

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

614 A



**FROM:** Treasurer-Tax Collector

**SUBMITTAL DATE:**  
February 12, 2007

**SUBJECT:** Resolution No. 2007-067 - Authorizing Certain School Districts and Community College Districts to Issue and Sell General Obligation Bonds By Public Competitive Sale in Certain Circumstances

**RECOMMENDED MOTION:** That your Honorable Board approve and adopt Resolution No. 2007-067, authorizing certain School Districts and Community College Districts to issue and sell general obligation bonds, on their own behalf, by public competitive sale under the California Education Code without further action of the Board of Supervisors or officers of the County.

**BACKGROUND:** Education Code Section 15140 requires that general obligation bonds of a school district or community college district be offered for sale by the Riverside County Board of Supervisors when the Riverside County Superintendent of Schools has jurisdiction over that district.

Nevertheless, California Education Code Section 15140(b) provides that the Board of Supervisors may provide by resolution that the governing board of any school district or community college district, which has not received a qualified or negative certification in its most recent interim report, may issue and sell general obligation bonds, on its own behalf, pursuant to the Education Code without further action of the Board of Supervisors or officers of the County.

(Continued on page 2)

*Paul McDonnell*

Paul McDonnell, Treasurer - Tax Collector

FORM APPROVED  
COUNTY COUNSEL

FEB 7 2007

Departmental Concurrence

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

*Ch... ..*

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent
- Dept Recomm.:
- Per Exec. Ofc.:

Prev. Agn. Ref.: | District: | Agenda Number: **3.49**

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The County Treasurer has taken the position that school districts and community college districts should not be negotiating the sale of bonds to underwriters without his participation when general obligation bonds are issued by means of a negotiated sale. Consequently, this Board has not adopted a resolution authorizing school districts or community college districts to issue and sell general obligation bonds, on their own behalf, when the bonds are to be sold by negotiated sale. Instead the County issues and sells these bonds on behalf of the districts.

However, the County Treasurer has no objection to school districts and community college districts issuing and selling general obligation bonds, on their own behalf, by means of public competitive sales.

This Resolution No. 2007-067 authorizes any school district or community college district, which is governed by the Riverside County Superintendent of Schools and which has not received a qualified or negative certification in its most recent interim report, to issue and sell general obligation bonds, on its own behalf, pursuant to the Education Code without further action of the board of supervisors or officers of the County when those bonds are sold by means of a competitive public sale.

This Resolution No. 2007-067, does not, however, authorize any school district or community college district to issue and sell general obligation bonds, on its own behalf, by means of a negotiated sale.

2  
3 RESOLUTION NO. 2007-067

4 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
5 AUTHORIZING SCHOOL DISTRICTS AND COMMUNITY COLLEGE  
6 DISTRICTS TO ISSUE AND SELL GENERAL OBLIGATION BONDS UNDER  
7 THE EDUCATION CODE UNDER CERTAIN CIRCUMSTANCES

8 **RESOLVED**, by the Board of Supervisors of the County of Riverside that:

9 **WHEREAS**, Section 15140(a) of the Education Code requires that general obligation bonds of a  
10 school district or community college district over which the Riverside County Superintendent of Schools  
11 has jurisdiction be offered for sale by the Board of Supervisors, as soon as possible following receipt of a  
12 resolution duly adopted by the governing board of the school district or community college district; and

13 **WHEREAS**, notwithstanding such provision, Section 15140(b) of the Education Code permits the  
14 Board of Supervisors to provide by resolution that the governing board of a school district or community  
15 college district, which has not received a qualified or negative certification in its most recent interim report,  
16 may issue and sell bonds on its own behalf under the provisions of the Education Code without further  
17 action of the Board of Supervisors or officers of the County; and

18 **WHEREAS**, the Board of Supervisors has determined to adopt such a resolution under Section  
19 15140(b) of the Education Code, for any school district or community college district which has not  
20 received a qualified or negative certification in its most recent interim report and which sells its general  
21 obligation bonds at a competitive public sale to which the provisions of Section 53692 of the Government  
22 Code apply;

23 **NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED:**

24 **Section 1. Authorization to Issue and Sell General Obligation Bonds Directly.** The Board of  
25 Supervisors authorizes the governing board of a school district or community college district, over which  
26 the Riverside County Superintendent of Schools has jurisdiction, which has not received a qualified or  
27 negative certification in its most recent interim report, to issue and sell bonds on its own behalf under the  
28

1 provisions of Chapter 1 or Chapter 1.5 of Part 10 of Division 1 of the California Education Code, without  
2 further action of the Board of Supervisors or officers of the County, provided that such bonds are sold by  
3 the school district or community college district at a competitive public sale to which the provisions of  
4 Section 53692 of the Government Code apply. The provisions of this Section 1 shall apply to all bonds  
5 which are issued and sold by a school district or community college district following the effective date of  
6 this Resolution, notwithstanding that such bonds may have been authorized prior to the effective date of  
7 this Resolution.

8 **Section 2. Limitations.** This Resolution does not permit a school district or community college  
9 district to issue and sell its bonds under the provisions of Chapter 1 or Chapter 1.5 of Part 10 of Division 1  
10 of the California Education Code, if such bonds are sold through any means other than a competitive public  
11 sale to which the provisions of Section 53692 of the Government Code apply.

12 **Section 3. Effective Date.** This Resolution shall take effect immediately upon its passage and  
13 adoption.

14 **PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of  
15 Riverside on the \_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

16 AYES, Supervisors:

17 NOES, Supervisors:

18 ABSENT, Supervisors:

20 BOARD OF SUPERVISORS  
21 OF RIVERSIDE COUNTY

22  
23  
24 By: \_\_\_\_\_  
Chairman

25 ATTEST:

26  
27 By: \_\_\_\_\_  
28 Clerk to the Board

FORM APPROVED  
COUNTY COUNSEL

FEB 7 2007

BY *[Signature]*