

**PERALTA COMMUNITY COLLEGE DISTRICT**

**RESOLUTION NO. 09/10-4**

RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT AUTHORIZING  
DEBT SERVICE ESTIMATE TO BE PROVIDED TO THE  
COUNTY OF ALAMEDA RESPECTING AUTHORIZED BUT  
UNSOLD GENERAL OBLIGATION BONDS OF THE DISTRICT  
FOR FISCAL YEAR 2009-10

**WHEREAS**, a special bond election was duly and regularly held in the Peralta Community College District (the "District") on June 6, 2006, under the procedures specified in Proposition 39 (Article XIII A, Section 1 paragraph (b) of the California Constitution) for the purpose of submitting a ballot measure (the "Bond Measure") to the qualified electors of the District authorizing the issuance of general obligation bonds of the District in the aggregate principal amount of \$390,000,000 (the "Bonds"), and more than 55% of the votes cast at said election were in favor of the issuance of the Bonds; and

**WHEREAS**, pursuant to Section 15252 of the Education Code, the Board of Supervisors of Alameda County is required to levy a tax sufficient to pay the principal and interest which is estimated to become due on bonds of the District which have been authorized by the electors of the District and not sold, and which the Board of Trustees of the District informs the County in their belief will be sold before the next tax levy; and

**WHEREAS**, the Board of Trustees of the District has adopted its resolution authorizing the issuance and sale of an additional series of Bonds in the aggregate principal amount of not to exceed \$100,000,000, and the District anticipates that debt service on such Bonds will be required to be paid from taxes levied for the current fiscal year; and

**WHEREAS**, the Board of Trustees wishes at this time to authorize District staff to make certain communications with the County of Alameda respecting the foregoing;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Peralta Community College District as follows:

**Section 1. Recitals.** The Board of Trustees hereby finds and determines that the foregoing recitals are true and correct.

**Section 2. Intention to Issue Additional Bonds.** The Board of Trustees hereby expresses its current intention to issue an additional series of Bonds during the current fiscal year in the aggregate principal amount of not to exceed \$100,000,000 (the "Additional Bonds"). The Board of Trustees hereby declares that:

- (a) it anticipates that the Additional Bonds will be issued prior to October 1, 2009;

- (b) the principal amount of the Additional Bonds will be within the amount of authorized but unissued Bonds under the Bond Measure; and
- (c) debt service will be due and payable on the Additional Bonds on February 1, 2010 and on August 1, 2010, and that a tax will be required to be levied under Section 15252 of the Education Code for fiscal year 2009-10 to pay debt service coming due on the Additional Bonds on such dates.

The Chancellor of the District is hereby authorized to provide, or cause to be provided, an estimate of debt service for the Additional Bonds to the Auditor-Controller of Alameda County following the adoption of this Resolution. In authorizing the delivery of such estimate to the Auditor-Controller under this Section 2, the Board of Trustees reserves the right to issue fewer Additional Bonds than those described in such estimate.

**Section 3. Indemnification of County.** The Board of Trustees hereby agrees that the District will indemnify, defend and hold harmless the County, including its Board of Supervisors, officers and employees, against all liabilities, losses, costs and expenses (including attorneys fees and court costs), damages and claims which they may incur in connection with the levy of taxes as provided in this Resolution, which are not due to its or their negligence or bad faith.

**Section 4. Effective Date.** This resolution shall take effect immediately upon its adoption.

\* \* \* \* \*

I hereby certify that the foregoing Resolution was passed and adopted by the Board of Trustees of the Peralta Community College District at a regular meeting thereof duly held on July 21, 2009, by a majority vote of all of its members.

Adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

BOARD OF TRUSTEES OF THE PERALTA  
COMMUNITY COLLEGE DISTRICT

By \_\_\_\_\_  
Elihu Harris, Chancellor  
and Secretary to the Board