

**RESOLUTION NO. 2021-146**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO APPROVING THE ISSUANCE BY CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF NOT TO EXCEED \$7,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE AUTHORITY'S REVENUE BONDS FOR THE BENEFIT OF HIGH DESERT "PARTNERSHIP IN ACADEMIC EXCELLENCE" FOUNDATION, INCORPORATED FOR THE PURPOSE OF FINANCING, REFINANCING, OR REIMBURSING THE COST OF THE DESIGN, DEVELOPMENT, CONSTRUCTION, RENOVATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF CERTAIN FACILITIES, PROVIDING THE TERMS AND CONDITIONS FOR SUCH BONDS AND OTHER MATTERS RELATING THERETO HEREIN SPECIFIED**

**WHEREAS**, High Desert "Partnership in Academic Excellence" Foundation, Incorporated, a California nonprofit public benefit corporation, or related or successor entities (collectively, the "Corporation"), has requested that California Enterprise Development Authority (the "Authority") issue its tax-exempt and/or taxable revenue bonds in an aggregate principal amount not to exceed \$7,000,000 (the "Bonds") for the benefit of the Corporation pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State, (commencing with Section 6500) (the "Act") to loan the proceeds of the Bonds to the Corporation pursuant to one or more loan agreements;

**WHEREAS**, the proceeds of the Bonds loaned to the Corporation will be applied to (a) financing, refinancing or reimbursing the Corporation for the cost of the acquisition, design, development, construction, renovation, improvement, furnishing and equipping of certain charter school educational facilities known as Norton Science and Language Academy, including an approximately 10,911 square foot gymnasium facility and other and other capital improvements located at 230 South Waterman Avenue, San Bernardino, California 92408 (the "Facilities"); (b) funding a reserve fund for the Obligations and capitalized interest with respect to the Obligations, if necessary; and (c) paying certain expenses incurred in connection with the issuance of the Obligations, including any applicable credit enhancement costs for the Obligations;

**WHEREAS**, the issuance of the Bonds by the Authority must be approved by the governmental unit on behalf of which the Bonds are issued and a governmental unit having jurisdiction over the territorial limits in which the Facilities are located pursuant to the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code");

**WHEREAS**, the Facilities are located within the territorial limits of the County of San Bernardino (the "County") and the Board of Supervisors of the County (the "Board of Supervisors") is the elected legislative body of the County; and

**WHEREAS**, the Authority and the Corporation have requested that the Board of Supervisors approve the issuance of the Bonds by the Authority and the financing of the Facilities with the proceeds of the Bonds pursuant to Section 147(f) of the Code; and

**WHEREAS**, it is intended that this Resolution shall comply with the public approval requirements of Section 147(f) of the Code; provided, however, that this Resolution is neither intended to nor shall it constitute an approval by the Board of Supervisors of the Facilities for any other purpose; and

**WHEREAS**, a public hearing was held by the Board of Supervisors on the 10<sup>th</sup> day of August, 2021, at the meeting which commenced at the hour of 10:00 a.m., at the County Government Center, 385 N Arrowhead Ave, San Bernardino, CA 92415, following duly published notice thereof in a newspaper of general circulation in the County of San Bernardino, on August 3, 2021, and all persons desiring to be heard have been heard.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the County of San Bernardino as follows:

**Section 1.** The Board of Supervisors hereby approves the issuance of the Bonds, which Bonds may be tax-exempt or taxable as approved by the Authority in its resolution, in an amount not to exceed \$7,000,000 to finance the costs of the Facilities. This resolution shall constitute “host” approval of the issuance of the Bonds within the meaning of Section 147(f) of the Code and shall constitute the approval of the issuance of the Bonds within the meaning of the Act; provided, however, that this Resolution shall not constitute an approval by the Board of Supervisors of the Facilities for any other purposes, including compliance thereof with the California Environmental Quality Act (CEQA), nor does it constitute an approval of the underlying credit or financial structure of the Bonds. The County shall not bear any responsibility for the tax-exempt status of the Bonds, the repayment of the Bonds or any other matter related to the Bonds. The Corporation shall pay the County’s reasonable costs and expenses incurred in connection with the approval granted by the Board of Supervisors.

**Section 2.** All actions heretofore taken by the officers, employees and agents of the County with respect to the approval of the Bonds are hereby approved, confirmed and ratified, and the officers and employees of the County and their authorized deputies and agents are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all certificates and documents which they or bond counsel may deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds and otherwise to effectuate the purposes of this Resolution.

**Section 3.** This Resolution shall take effect from and after its adoption.

AYES: Supervisors, Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman  
Joe Baca, Jr.

NOES: Supervisors, None

ABSENT: Supervisors, None

ABSTAIN: Supervisors, None

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Curt Hagman, Chairman  
Board of Supervisors

ATTEST:

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Lynna Monell, Clerk of the  
Board of Supervisors

**CERTIFICATE OF CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF SAN BERNARDINO**

I, Lynna Monell, Clerk of the Board of Supervisors of the County of San Bernardino, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at the meeting of the Board of Supervisors of the County of San Bernardino duly and regularly held in County Government Center, 385 N Arrowhead Ave, San Bernardino, CA 92415, on August 10, 2021, of which meeting all of the members of said Board had due notice.

I further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

IN WITNESS WHEREOF, I have executed this certificate this 10<sup>th</sup> day of August, 2021.

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Lynna Monell  
Clerk of the Board of Supervisors  
County of San Bernardino