

RESOLUTION NO. 2025-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA
AUTHORIZING THE EXECUTION AND
DELIVERY OF A JOINT EXERCISE OF POWERS
AGREEMENT FOR THE ESTABLISHMENT OF
THE MERCED COUNTY BOARD OF
EDUCATION-CITY OF MERCED JOINT
POWERS FINANCING AUTHORITY**

WHEREAS, the Joint Exercise of Powers Act (Chapter 5 of Division 7 of Title 1 of the California Government Code, commencing with Section 6500) authorizes two or more public agencies (including cities and county boards of education), by agreement, to jointly exercise any power common to the public agencies and to provide for the creation of an agency or entity that is separate from the parties to the agreement (a “joint powers authority”) and is responsible for the administration of the agreement between the two public agencies (a “joint exercise of powers agreement”); and

WHEREAS, any such joint powers authority will also have the powers granted to it by the Joint Exercise of Powers Act and, among other laws, the Mello-Roos Community Facilities Act of 1982, as amended (the “Mello-Roos Act”); the Mello-Roos Act authorizes local agencies, including joint powers authorities, to establish a community facilities district; and

WHEREAS, the City of Merced (the “City”) and the Merced County Board of Education (“Board of Education”) wish to form a joint powers authority under the Joint Exercise of Powers Act for the purpose of creating a public agency that can (i) provide assistance to the Board of Education and the City in their respective financing undertakings, (ii) establish a community facilities district (“CFD”) under the Mello-Roos Act to finance certain real property and improvements to be owned by the Board of Education (including a charter school) and the City related to the development of the property included in the Specific Plan for UCP Villages No. 1 and No. 2 (the “Project”) to be developed by the Virginia Smith Trust (“Developer”) and (iii) from time to time, establish one or more CFDs to finance real property and improvements to be owned by the Board of Education, the City or another public agency identified in accordance with the Mello-Roos Act; and

WHEREAS, the City Council wishes at this time to approve the execution and delivery of a Joint Exercise of Powers Agreement (the “Agreement”) between the Board of Education and the City, establishing the Merced County Board of Education-City of Merced Joint Powers Financing Authority (the “Authority”) as a joint powers authority under the Joint Exercise of Powers Act;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby approves the establishment of the Authority under the Joint Exercise of Powers Act, pursuant to the Agreement, in the form on file with the City

Clerk. The City Manager (or designee) is hereby authorized and directed to execute, and the City Clerk is hereby authorized to attest to, the Agreement in the name and on behalf of the City.

SECTION 2. The City hereby authorizes and directs the firm of Jones Hall LLP, to cause to be prepared, executed and filed any and all reports, statements and other documents as may be required in order to implement the establishment of the Authority.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the _____ day of _____, 2026, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:
MATTHEW SERRATTO, MAYOR

Mayor

ATTEST:
D. SCOTT MCBRIDE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:
CRAIG J. CORNWELL, CITY ATTORNEY

BY: _____
City Attorney Date