

RESOLUTION NO. _____

**RESOLUTION OF THE MERCED COUNTY BOARD OF EDUCATION 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, California Constitution Article IX, Section 7 requires the California Legislature to provide for a board of education in each county; and

WHEREAS, the California Legislature has provided for county boards of education in Chapter 1 of Part 2 of Division 1 of Title 1 of the California Education Code; and

WHEREAS, the Merced County Board of Education (the “Board of Education”) serves as the board of education for the County of Merced and the governing board of the Merced County Office of Education (the “Office of Education”); and

WHEREAS, Education Code Section 35160 authorizes the Board of Education to initiate and carry on any program or activity or otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which boards of education are established; and

WHEREAS, the Board of Education is authorized to establish, construct, own and operate a charter school for grades TK-12 pursuant to Education Code Section _____; and

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 Board of Education and the City of Merced (the “City”) 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 Board of Education 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, BE IT RESOLVED THAT, the Board of Education 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 Secretary; the Chairperson (or designee) is hereby authorized and directed to execute, and the Secretary is hereby authorized to attest to, the Agreement in the name and on behalf of the Board of Education; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Education 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; and

NOW, THEREFORE, BE IT RESOLVED THAT, this Resolution shall take effect immediately upon its passage and adoption.

ADOPTED, SIGNED AND APPROVED this ____ day of _____, **2026**.

Chairperson, Merced Board of Education

I, **Steve M. Tietjen**, Secretary to the Merced County Board of Education, do hereby certify that the foregoing Resolution was adopted by the Board of Education at a meeting of the Board of Education held on the ____ day of ____ 2026, and it was so adopted by the following vote:

AYES: _____ NOES: _____ ABSTAIN: _____ ABSENT: _____

Steve M. Tietjen, Ed.D., Secretary to the Board Merced
County Superintendent of Schools