

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF SCHOOL FACILITIES REVENUE BONDS ON BEHALF OF CREATIVE EDUCATION SUPPORT ORGANIZATION, LLC

The California Statewide Communities Development Authority (“CSCD Authority”) is a Joint Powers Authority whose members include the City of Stockton and over 500 other California cities, counties, and special districts; and

The sole purpose of the CSCD Authority is to finance projects that promote economic development through the issuance of bonds; and

Before bonds can be issued, the federal tax laws under the Tax and Equity Fiscal Responsibility Act of 1982 (TEFRA) and section 147(f) of the Internal Revenue Code (“Code”) require that the CSCD Authority member: 1) conduct a public hearing; and 2) approve the CSCD Authority’s issuance of the bonds; and

Notice under the Code must be published at least 14 days prior to the date of the public hearing; and

Creative Education Support Organization, LLC, a California limited liability company, the sole member of which is initially Creative Child Care, Inc., a California nonprofit public benefit corporation, has requested that the CSCD Authority participate in the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$10,000,000 (the “Bonds”) for the acquisition, construction, expansion, remodeling, renovation, improvement, furnishing, and equipping of land and facilities located at the following addresses: (a) 600 & 615 East Main Street, Stockton, California, (b) 634 East Main Street, Stockton, California, (c) 621 East Market Street, Stockton, California, and (d) 633 East Market Street, Stockton, California (the “Facilities”) to be owned, used, and operated in part as a child care center by Creative Child Care, Inc. and/or its affiliates, and in part as a public charter school known as TEAM Charter School by Transformational Education, Inc., a California nonprofit public benefit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and/or its affiliates and located within the City of Stockton (the Project”); and

The members of this City Council are the applicable elected representatives of the City of Stockton; and

Notice that a public hearing regarding the Bonds would be held on a date specified was published at least 14 days prior to the date hereof, in The Record, a newspaper of general circulation within the City; and

A public hearing was conducted on the date specified, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

The CSCD Authority has requested that this City Council approve the issuance of the Bonds by the Authority for the purposes of financing the Project in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 9 of the Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies, including the City; and

Pursuant to Section 147(f) of the Code, this City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority; now, therefore,

BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

1. The above recitals are true and correct.

2. The City Council hereby approves the issuance of the Bonds by the CSCD Authority for the purposes of financing the Project. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the issuer of the Bonds and the governmental unit having jurisdiction over the area in which the Facilities are to be located, for the purposes of complying with (a) Section 147(f) of the Code, in accordance with said Section 147(f); and (b) Section 9 of the Agreement.

3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things necessary and to execute and deliver any and all documents which they deem necessary or appropriate to carry out, give effect to, and comply with the terms and intent of this resolution and the financing transaction approved hereby.

4. This resolution shall take effect immediately upon its passage.

5. This City Manager is authorized to take such other actions as are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED and ADOPTED August 18, 2015.

ANTHONY SILVA, Mayor
of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton