

# Memorandum

Office of Jenine Windeshausen  
Treasurer-Tax Collector  
County of Placer



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**To:** The Honorable Board of Supervisors  
**From:** Jenine Windeshausen, Treasurer-Tax Collector  
**Date:** May 12, 2009  
**Subject:** Sierra College 2009 Tax and Revenue Anticipation Notes

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## **Action Requested:**

Authorize the Chairman to sign the attached acknowledgment on behalf of the Board of Supervisors that the Board will not take action to authorize Sierra Joint Community College District (the District) 2009 Tax and Revenue Anticipation Notes.

## **Background:**

Subsection (b) of Section 53853 of the California Government Code provides that when a community college district issues a note in its name in conjunction with notes of other community college districts it may do so without the authorization of the Board of Supervisors. If the Board of Supervisors fails to authorize by resolution the issuance of the notes in the name of the community college district within 45 calendar days of receiving the community college district board resolution, the district may proceed with issuance of the notes.

California Government Code also provides: "No county board of supervisors, county treasurer, or county auditor shall be deemed to have any fiduciary responsibility with regard to any note or notes issued pursuant to this subdivision."

Sierra College has informed the County of Placer that their notes will be issued in conjunction with the notes of other community college districts. On file with the Clerk of the Board are copies of the District's Resolution adopted on March 10, 2009 authorizing the issuance of the note and their participation in the Community College League of California Cash Flow Financing Program. Bond Counsel, on behalf of Sierra College, has requested acknowledgement that the Board will not authorize the note within the 45-day period. Failure to make such acknowledgment constitutes a refusal to authorize the notes.

## **Fiscal Impact:**

The Board of Trustees of Sierra College has determined that temporary borrowing, in an amount not to exceed \$25,000,000, is needed to satisfy obligations of the District. The principal amount of the Note, together with the interest thereon, is payable from taxes, revenue and other moneys that are received by the District in the fiscal year 2009-2010.

Respectfully submitted,

Jenine Windeshausen,  
Treasurer-Tax Collector

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April 3, 2009

VIA FEDERAL EXPRESS

Ms. Ann Holman  
Clerk of the Board of Supervisors  
County of Placer  
175 Fulweiler Avenue  
Auburn, California 95603

Re: *California Community College Financing Authority  
Community College League of California  
Tax and Revenue Anticipation Note Program, Series 2009A  
Sierra Joint Community College District*

Dear Ms. Holman:

Stradling Yocca Carlson & Rauth is acting as bond counsel to the Sierra Joint Community College District (the "District") in connection with its issuance of a tax and revenue anticipation note. The governing board of the District is scheduled to adopt its resolution authorizing the issuance of the note and its participation in the Community College League of California Cash Flow Financing Program. A copy of the resolution adopted on March 10, 2009 is enclosed. Under the Program, participating community college districts will simultaneously issue tax and revenue anticipation notes. The California Community College Financing Authority will issue Note Participations representing interests in the pool of note payments of each of the colleges.

**The request stated below is identical to the one the County consented to for the District's 2008 tax and revenue anticipation notes and is attached to this letter for your reference.**

Subsection (b) of Section 53853 of the California Government Code provides that a community college district may issue in its name a note to be issued in conjunction with notes of other community college districts pursuant to a previously adopted resolution "if the appropriate county board of supervisors fails to authorize, by resolution, the issuance of a note or notes in the name of a county board of education, school district, or community college district as specified by subdivision (a) of Section 53853 within 45 calendar days following its receipt of the resolution of the county board of education, or of the governing board of the school district or community college district, requesting that issuance, or if the county board of supervisors notifies the county board of education, school district, or community college district that it will not authorize that issuance within that 45-day period, then the note or notes may be issued by the...community college district in its

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name pursuant to the previously adopted resolution.” The subsection also provides: “No county board of supervisors, county treasurer, or county auditor shall be deemed to have any fiduciary responsibility with regard to any note or notes issued pursuant to this subdivision.”

On behalf of the District, we request your acknowledgement that the County Board of Supervisors will not authorize the note within the 45-day period. Failure to sign this letter within the 45-day period is considered by the Government Code to be a refusal of the County to authorize the notes on the District’s behalf. Please execute or have executed this letter, and return it to me.

Thank you for your prompt consideration. We will gladly accept a fax return of this letter.

Very truly yours,



David G. Casnocha

ACKNOWLEDGED:

COUNTY OF PLACER

By \_\_\_\_\_

Its \_\_\_\_\_

cc: Jenine L. Windeshausen  
Treasurer-Tax Collector  
County of Placer  
2976 Richardson Drive, 2<sup>nd</sup> Floor  
Auburn, California 95603

Joyce Lopes, Director of Finance  
Sierra Joint Community College District

