

RESOLUTION NO. 12-09

RESOLUTION APPROVING A FINANCIALLY SOUND DETERMINATION FOR THE CHARTER SCHOOL FACILITIES PROGRAM APPLICATION FOR ADVANCE APPORTIONMENT FOR PACIFIC TECHNOLOGY SCHOOL – SANTA ANA, LOCATED IN ORANGE COUNTY, CALIFORNIA

March 14, 2012

WHEREAS, the California School Finance Authority (Authority) is authorized by Education Code section 17078.57 to determine whether applicants to the Charter School Facilities Program (Program) are financially sound for purposes of the Program at the time of preliminary, advance, and final apportionment; and

WHEREAS, Magnolia Educational and Research Foundation (MERF), on behalf of Pacific Technology School – Santa Ana (PTS-SA), was determined by the Authority to be financially sound for purposes of a preliminary apportionment at its May 12, 2010 meeting; and

WHEREAS, the State Allocation Board (Board), through the funding methodology established pursuant to Education Code section 17078.56, awarded PTS-SA a preliminary apportionment of \$17,413,956; and

WHEREAS, PTS-SA received an advance apportionment for design in the amount of \$1,481,396 on January 20, 2012; and

WHEREAS, MERF, on behalf of PTS-SA, is now requesting the release of an advance apportionment of \$2,600,000 for Site Acquisition, and PTS-SA was found financially sound by the Authority on June 27, 2011; and

WHEREAS, this determination was in place for six months and assumes no financial, operational, or legal material findings within this time period; and

WHEREAS, the Authority is required by section 10155(b)(1) of the Program regulations to conduct a review of MERF's financial status at the time of an advance apportionment request and determine whether MERF has maintained a financially sound status; and

WHEREAS, this determination of financial soundness is contingent upon there being no material legal, financial, or operational changes since the Authority's determination of financial soundness, and MERF's, on behalf of PTS-SA, fulfillment of its remaining local matching share obligation through an annual Program payment to be intercepted by the State Controller's Office.

NOW, THEREFORE, BE IT RESOLVED by the California School Finance Authority as follows:

Section 1. MERF, on behalf of PTS-SA, has maintained its financial soundness for purposes of the Program, specifically with regard to its request for an Advance Apportionment for design.

Section 2. MERF, on behalf of PTS-SA, is fulfilling its local matching share obligation through a 30-year CSFP lease obligation that will be intercepted by the State Controller's Office.

Section 3. This determination as it relates to the Advance Apportionment is in place for six months and assumes no financial, operational, or legal material findings within this time period.

Section 4. The Executive Director of the Authority is hereby authorized, for and on behalf of the Authority, to notify the Board, and provide supporting documentation, that MERF, on behalf of PTS-SA, has maintained its financial soundness for purposes of the Program and for its request for an advance apportionment for design.

Section 5. The Executive Director of the Authority is hereby authorized, for and on behalf of the Authority, to execute the Program agreements between the State and MERF, on behalf of PTS-SA, and the District as necessary prior to advance release of funds.

Section 6. This resolution shall take effect immediately upon its approval.

PASSED AND ADOPTED by the California School Finance Authority.

Date of Adoption: March 14, 2012

CERTIFICATE OF THE EXECUTIVE DIRECTOR
(Attesting to Action of the Authority)
Sacramento, California

I, Katrina Johantgen, Executive Director of the California School Finance Authority, hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 12-08 of the California School Finance Authority Resolution Approving Financially Sound Determination for the Charter School Facilities Program Application for Advance Apportionment for Pacific Technology School – Santa Ana, adopted at a meeting of the California School Finance Authority held at 915 Capitol Mall, Conference Room 587, Sacramento, California 95814, on March 14, 2012, for which meeting all of the members of said Authority had due notice; and that at the meeting the staff recommendation was adopted by the following votes:

AYES: Patricia A. Wynne, designee for California State Treasurer Bill Lockyer
Pedro Reyes, designee for Director of Finance Ana J. Matosantos
Kathleen Moore, designee for Tom Torlakson, Superintendent of Public
Instruction

NOES:

ABSTAINS:

ABSENT:

I further certify that the original minutes of said meeting and a copy of the original Resolution adopted at said meeting are on file in the California School Finance Authority office; and that the Resolution has not been amended, modified, or rescinded 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 and affixed the seal of the California School Finance Authority hereto.

(seal)

March 14, 2012

Katrina Johantgen, Executive Director