

**BEFORE THE GOVERNING BOARD
OF THE KERN COMMUNITY COLLEGE DISTRICT
OF KERN COUNTY, STATE OF CALIFORNIA**

In the Matter of:

**IMPOUNDMENT OF LOCAL TAX)
REVENUES TO ANTICIPATE PENDING)
CLAIMS AND/OR LITIGATION)
)
)
_____)**

RESOLUTION NO. R-05-2024

WHEREAS, the Auditor-Controller of the County of Kern has recently informed the District of potential adverse consequences to local tax and general fund monies of the District attributable to pending court action; and

WHEREAS, several claims are now pending before the Assessment Appeals Board which, if determined favorably to the taxpayer will substantially impact revenues of the District through a forced refund; and

WHEREAS, counsel has advised the Board that a school board may not defer repayment of a tax refund over an installment period of up to ten (10) years pursuant to Education Code section 35201 due to hardship or any other factor; and

WHEREAS, Education Code section 14240 authorizes this Board to direct the County Auditor to impound local tax revenues pending determination of court action or administrative tax protests is that such money remains outside the scope of further Board action pending resolution of the dispute.

NOW, THEREFORE, the Board resolves as follows:

1. The Chancellor is authorized and directed to develop a projection of the appropriate amount of money to be impounded in light of the above tax protests and court litigation.
2. The Chancellor shall report that amount to the Board and notify the County-Auditor-Controller of the exact dollar amount to be impounded and the day on which such impound is to be made.
3. The amount so impounded shall be derived entirely from anticipated local tax revenues. No part of the impounded funds shall come from the general reserve or current operating year monies of the district.

The Foregoing resolution on motion of Kay Meek , and seconded by Yovani Jimenez , was duly passed and adopted this 16th day of April , 20 24 , by the following vote:

AYES: 6 NOES: 0 ABSENT: 1 ABSTENTIONS: 0

BOARD OF TRUSTEES OF THE
KERN COMMUNITY COLLEGE DISTRICT

By: John S. Corkins
Authorized Agent

Romeo Agbalog
Member

Kyle W. Carter
Member

Nan Gomez-Heitzeberg
Member

Kay Meek
Member

Yovani Jimenez
Member

I HEREBY CERTIFY that the foregoing is a full, true, and correct excerpt from The journal of the Board of the Trustees of the **KERN COMMUNITY COLLEGE DISTRICT** Pertaining to the adoption of the foregoing Resolution at a regular meeting held on April 16, , 20 24 .



Steven Bloomberg, Chancellor

Authorized Agent of the Board of Trustees of the **KERN COMMUNITY COLLEGE DISTRICT** County of Kern, State of California



April 4, 2024

Aimee X. Espinoza
Kern County Auditor-Controller's Office
1115 Truxtun Ave.
Bakersfield, CA 93301 -4637

RE: CONTINGENT LIABILITY

Dear Ms. Aimee Espinoza:

Pending a resolution from the Kern Community College District authorizing the County- Auditor to impound local tax revenues to anticipate pending assessment appeals and Superior Court cases, please impound \$3,495.96, into the Kern Community College District Impound Fund, 84038. This amount should be impounded from the April and May collections.

Please deposit any interest earned by this impounded amount into our General Fund. If you have any questions or need further assistance, please contact me at (661)336-5124 or at mike.giacomini@kccd.edu.

Sincerely,

Mike Giacomini
Chief Financial Officer
Kern Community College District

Enclosure (Resolution)