

RESOLUTION NO. 2022-02

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ASU ATHLETIC FACILITIES DISTRICT APPROVING THE INTERGOVERNMENTAL AGREEMENT FOR THE IMPOSITION, COLLECTION AND PAYMENT OF CERTAIN ASSESSMENTS AND DESIGNATING THE DISTRICT DESIGNEE, AS THE PARTY CHARGED WITH PERFORMING THE DISTRICT DESIGNEE DUTIES

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ASU ATHLETIC FACILITIES DISTRICT, as follows:

Section 1. **Findings.** The Board of Directors for the District (the “***Board***”) hereby makes the following findings:

A. Pursuant to Resolution No. C-20-12-017-M-00 and at the request of the Arizona Board of Regents for and on behalf of Arizona State University (“***ASU***”), the Board of Supervisors of Maricopa County, Arizona (the “***County***”) previously authorized the organization and establishment of the ASU Athletic Facilities District (the “***District***”) pursuant to Title 48, Chapter 26, Arizona Revised Statutes (“***A.R.S.***”), as amended (the “***Act***”).

B. Pursuant to the Act, ASU and the County entered into that certain Intergovernmental Agreement effective November 15, 2011 for the purposes of establishing the Board of Directors for the District and such other matters as ASU and the County deemed appropriate (the “***Enabling IGA***”).

C. Pursuant to the Act, ASU and the District have entered into an intergovernmental agreement dated as of July 1, 2012 (the “***District IGA***”) setting forth the relationship of the District as it pertains to the administration of District powers and authority over certain real property owned by ABOR and located within the boundaries of the District.

D. Pursuant to the Act, the Enabling IGA and the District IGA, the District has determined that an intergovernmental agreement is necessary to provide for the establishment, collection and enforcement of the assessments authorized under the Act, the Enabling IGA and the District IGA (the “***Assessment IGA***”), and pursuant to District Resolution 2019-03 dated September 9, 2019, the District authorized the Assessment IGA.

E. The District, County and the Arizona Board of Regents, for and on behalf of Arizona State University (“***ASU***”) have entered into the Assessment IGA dated and approved as of June 22, 2022, formally entitled Intergovernmental Agreement for the Imposition, Collection and Payment of Certain Assessments, between the ASU Athletic Facilities District and Maricopa County, Arizona and the Arizona Board of Regents for and on behalf of Arizona State University, Maricopa County Board of Supervisors No. C-43-22-117-X-00.

F. Pursuant to the Assessment IGA, the District designated and approved the District Board, and any party or entity designated by the District Board, including, but not limited

to, ASU or ASU's designee to act as the District Designee (the District Board, ASU and such designee, collectively, the "**District Designee**"). Also pursuant to the Assessment IGA, the District delegated to ASU, or, at ASU's discretion, ASU's designee, the responsibility to provide for the preparation and transmission of all invoices related to any Assessments. The Board desires by this resolution to confirm such designation and to confirm the District Designee's authority to perform such other duties as are assigned to the District Designee in the Assessment IGA or by the District.

Section 2. Approval of Assessment IGA. The District Board hereby approves the Assessment IGA.

Section 3. Designation of District Designee. The Board hereby approves the designation of the District Designee as provided in Recital F above, and further approves the Executive Director of the District as the initial ASU designee to be the District Designee for the purposes of performing such duties as are assigned to the District Designee in the Assessment IGA or by the District. Without limiting the foregoing, the Executive Director, with the assistance of, and in conjunction with, ASU, is authorized to take all actions to:

A. handle the assessment process described in the Assessment IGA, including but not limited to, the right to engage, terminate and/or replace, as necessary, a third party entity to handle the assessment process, and

B. perform such other duties as are assigned to the District Designee in the Assessment IGA or by the District Board or officers, including but not limited to, approving and submitting to the Treasurer of the District ASU invoices for reimbursement of amounts actually paid by ASU for procurement, construction, and financing of any part or phase of any Improvements to the Athletic Facilities as described in the Assessment IGA, or as otherwise permitted by applicable law, or as incurred by ASU or the District Designee in performing the duties of the District Designee. The duties of the District Designee shall further include, but not be limited to, preparing and submitting (or causing to be prepared and submitted) reports to the County as required by the Assessment IGA, authorizing sweep transfers from the County to the District's bank account(s), and authorizing transfers from the District bank account(s) to ASU to reimburse ASU for actual amounts incurred by ASU in performing the duties of the District Designee or causing such duties to be performed, and as otherwise permitted by the Assessment IGA or directed by the District.

Section 4. Authority. The Chair, the Vice-Chair, the Secretary, the Executive Director, and the Counsel to the District are hereby authorized and directed to take all steps necessary to cause the execution of the Assessment IGA and to carry out the purpose and intent of this Resolution.

Section 5. Effective Date. This resolution shall be effective immediately.

ADOPTED this 29th day of August, 2022, by the affirmative vote of the Board.


Morgan R. Olsen, Chairman

ATTEST:


Lisa Loo, Secretary

APPROVED AS TO FORM:


Timothy A. Statton, Attorney