

RESOLUTION NO. 2021-02

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ASU ATHLETIC FACILITIES DISTRICT DESIGNATING ASU, AND ITS DESIGNEE, AS PARTY CHARGED WITH COLLECTING ANNUAL ASSESSMENTS AND PERFORMING 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. Pursuant to the Assessment IGA, the Board anticipates the District Treasurer will designate and approve the Board, and any party or entity designated by the Board, including, but not limited to, Arizona State University ("***ASU***") or ASU's designee (the Board, ASU and such designee, collectively, the "***District Designee***"), to collect the Annual Assessment from each Prime Commercial Lessee, and to perform such other duties as are assigned to the District Designee in the Assessment IGA.

Section 2. **Approval of Designation; Designation of ASU Designee.** The Board hereby approves the District Treasurer's designation of the District Designee as provided in Recital E above, and further approves the Executive Director of the District as the initial ASU designee to be the District Designee for the purposes of collecting the annual Assessment from

each Prime Commercial Lessee and for performing such other duties as are assigned to the District Designee in the Assessment IGA. 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) to perform such other duties as are assigned to the District Designee in the Assessment IGA, 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.

Section 3. 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 4. Effective Date. This resolution shall be effective immediately.


ADOPTED this 14th day of September, 2021, by the affirmative vote of the Board.


Morgan R. Olsen, Chairman

ATTEST:


José A. Cárdenas, Secretary

APPROVED AS TO FORM:


Timothy A. Stratton, Attorney