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9 Attorneys for Plaintiff

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11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF ALAMEDA
13 UNLIMITED CIVIL JURISDICTION

14 PERALTA COMMUNITY COLLEGE)
DISTRICT,)
15 Plaintiff,)
16 vs.)
17 ALL PERSONS INTERESTED IN THE)
18 MATTER OF THE ISSUANCE AND SALE OF)
BONDS FOR THE PURPOSE OF REFUNDING)
19 CERTAIN OBLIGATIONS OWED BY THE)
PERALTA COMMUNITY COLLEGE DISTRICT)
20 IN RESPECT OF EMPLOYEE HEALTH CARE)
BENEFITS, AND ALL PROCEEDINGS)
21 LEADING THERETO, INCLUDING THE)
ADOPTION OF A RESOLUTION)
22 AUTHORIZING THE ISSUANCE AND SALE)
OF SUCH BONDS,)
23 Defendants.)

Case No. _____

DECLARATION IN SUPPORT
OF PLAINTIFFS' EX PARTE
APPLICATION FOR ORDER
OF PUBLICATION AND
POSTING OF SUMMONS

[Fee Exemption:
Govt. Code § 6103]

Attached Documents:
Ex. A Resolution

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26 I, Thomas Smith, declare:
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1 1. I have personal knowledge of the following:
2 2. I am a resident of the County of Alameda and am the
3 Vice Chancellor for Budget and Finance for the Peralta Community
4 College District (the "District"), the Plaintiff herein.
5 3. On July 28, 2005, at a regularly scheduled meeting
6 of the District at which I was present, which meeting was
7 noticed and conducted in accordance with the provisions of all
8 applicable laws and attended by a quorum of the Board of
9 Trustees, by motion made and seconded, the District adopted a
10 resolution (the "Resolution") entitled "RESOLUTION OF THE BOARD
11 OF TRUSTEES OF THE PERALTA COMMUNITY COLLEGE DISTRICT
12 AUTHORIZING ISSUANCE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT
13 OF NOT TO EXCEED \$250,000,000 TO REFINANCE EMPLOYEE HEALTH
14 BENEFIT OBLIGATIONS OF THE DISTRICT", pursuant to which the
15 District authorized the issuance and sale of certain Bonds named
16 therein and in the Complaint in the maximum principal amount of
17 \$250,000,000, all for the purpose of refunding the District's
18 obligation to pay health care insurance benefits evidenced by
19 certain Employee Health Care Agreements (the "Health Benefit
20 Obligations"), and pursuant to which Resolution the District
21 authorized Jones Hall, A Professional Law Corporation, as bond
22 counsel to the District, in concert with the District's general
23 counsel, to institute judicial proceedings pursuant to Section
24 860, *et seq.* of the California Code of Civil Procedure. A true
25 and correct copy of said Resolution is attached hereto and made
26 a part hereof as Exhibit "A".

27 I declare under penalty of perjury that the foregoing is
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1 true and correct and that this declaration was executed in
2 Oakland, California, on August 12, 2005.

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By: Thomas Smith

Name: Thomas Smith

Title: Vice Chancellor for
Finance and Budget

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EXHIBIT A
Resolution