

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, APPROVING THE ISSUANCE BY THE INDEPENDENT CITIES FINANCE AUTHORITY OF NOT TO EXCEED \$24,500,000 AGGREGATE PRINCIPAL AMOUNT OF TAX-EXEMPT, MOBILE HOME PARK REVENUE BONDS FOR WESTLAKE MOBILEHOME PARK, LOCATED AT 2706 W. ASHLAN AVENUE, AND MILLBROOK MOBILEHOME VILLAGE, LOCATED AT 3404 N. MILLBROOK AVENUE

WHEREAS, certain cities of the State of California (collectively, the "Members") have entered into a Joint Powers Agreement (the "Joint Powers Agreement") establishing the Independent Cities Finance Authority (the "Authority") and prescribing its purposes and powers, and providing, among other things, for associate members of the Authority (an "Associate Member"); and

WHEREAS, the Authority has been formed for the purpose, among others, of assisting its Members and Associate Members in the raising of capital to finance the capital improvement needs of Local Agencies (as defined in the Joint Powers Agreement), to provide for home mortgage financing with respect to those Members or Associate Members that are either a city or a county of the State of California, to provide financing in connection with the improvement, construction, acquisition, creation, rehabilitation and preservation of affordable housing within the boundaries of the Members and Associate Members, and to provide financing in accordance with the provisions of applicable law in connection with other projects and programs that are in the public interest and which benefit Members and Associate Members including making loans to tax-exempt organizations from the proceeds of mortgage revenue

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No. _____

bonds to finance the acquisition of multifamily rental housing, including mobile home parks, under the provisions of Chapter 8 of Part 5 of Division 31 (commencing with Section 52100) of the Health and Safety Code; and

WHEREAS, the City of Fresno (the "City") is an Associate Member of the Authority; and

WHEREAS, the Authority proposes to issue its Mobile Home Park Revenue Bonds (Westlake and Millbrook Mobilehome Parks) in one or more series (the "Bonds"); and

WHEREAS, Millennium Housing of California, a California nonprofit public benefit corporation (the "Owner"), has requested that the Authority issue and sell the Bonds in an aggregate principal amount of not to exceed \$24,500,000; and

WHEREAS, the proceeds from the sale of the Bonds, if any are issued, are intended to be used to make a loan to Owner, or a related party, to be used, along with other funds available to the Owner, to (i) refund certain revenue bonds previously issued by the Authority, the proceeds of which were loaned to the Owner to finance the acquisition and renovation of a mobilehome park with approximately 330 spaces known as Westlake Mobilehome Park located at 2706 W. Ashlan Ave, Fresno, California (the "Westlake Project"); (ii) acquire a mobilehome park with approximately 94 spaces known as Millbrook Mobilehome Village located at 3404 N. Millbrook Avenue, Fresno, California (the "Millbrook Project" and, together with the Westlake Project, the "Projects") and refund certain revenue bonds previously issued by the Authority, the proceeds of which were loaned to COACH of San Diego, Inc., a California nonprofit public benefit corporation, to finance the acquisition and renovation of the Millbrook

Project; (iii) finance additional renovations to be made to the Projects; and (iv) finance certain costs of issuing the Bonds; and

WHEREAS, the Owner will be the owner and operator of the Projects; and

WHEREAS, the City has determined that the operation of the Projects by the Owner shall help the City satisfy its affordable housing obligations and will lessen the burden of the City to provide affordable housing for low and very low income residents of the City; and

WHEREAS, the Projects are required to be occupied in part by persons of low and very low income in accordance with California laws and the requirements of Section 145 of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Bonds will be qualified “private activity bonds” for purposes of the Internal Revenue Code of 1986 (the “Code”); and

WHEREAS, pursuant to Section 147(f) of the Code, the proposed issuance of private activity bonds is required to be approved by the “applicable elected representative” of the governmental unit having jurisdiction over the area in which the Project is to be located, after a public hearing held after reasonable public notice; and

WHEREAS, the members the City Council are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the proposed issuance of the Bonds would be held on the date hereof; and

WHEREAS, such public hearing was conducted on the date hereof by the City Council at which time an opportunity was provided to interested parties to be heard with respect to the proposed issuance of the Bonds and refinancing of the Projects; and

WHEREAS, it is intended that this resolution shall constitute the approval of the proposed issuance of the Bonds required by Section 147(f) of the Code; and

WHEREAS, this action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Fresno approves as follows:

Section 1. The City Council approves the issuance of the Bonds by the Authority solely to satisfy the requirements of Section 147(f) of the Code, as the applicable elected representative of the governmental unit having jurisdiction over the area in which the Projects are located.

Section 2. The issuance and delivery of the Bonds shall be subject to the approval of and execution by the Authority of all financing documents relating thereto to which the Authority is a party and subject to the sale of the Bonds by the Authority.

Section 3. The City shall have no responsibility or liability whatsoever with respect to the Bonds or the Projects. The payment of the principal, prepayment premium, if any, and purchase price of and interest on the Bonds shall be solely the responsibility of Owner. The Bonds shall not constitute a debt or obligation of the City. The adoption of this Resolution shall not obligate the City or any department thereof to

(i) provide any financing to acquire or construct the Projects or to provide any refinancing of the Projects; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition or operation of the Projects; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 4. The City Manager, the City Attorney or their designees are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 5. This Resolution shall take effect immediately upon its adoption.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____ Date
RAJ SINGH BADHESHA
Deputy City Attorney