

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 06/09/2015 by the following vote:

AYE: ☒ 4 John Gioia
 Candace Andersen
 Mary N. Piepho
 Karen Mitchoff

NO: ☐

ABSENT: ☒ 1 Federal D. Glover

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2015/199

IN THE MATTER OF Setting Forth the County's Official Intent to Issue Revenue Bonds to Finance a Multifamily Residential Rental Housing Development – The Oaks Apartments

WHEREAS, the Board of Supervisors of the County of Contra Costa (the "County") has determined that there is a shortage of safe and sanitary housing within the County, and that it is in the best interest of the residents of the County and in furtherance of the health, safety and welfare of the public for the County to assist in the financing of multifamily rental housing developments; and

WHEREAS, pursuant to Division 31 of the Health and Safety Code of the State of California, and particularly Chapter 7 of Part 5 thereof (the "Act"), the County is empowered to issue and sell revenue bonds for the purpose of making mortgage loans or otherwise providing funds to finance the acquisition, construction and rehabilitation of multifamily rental housing, including units for lower income households and very low income households; and

WHEREAS, EAH, Inc., has requested that the County consider the issuance and sale of tax-exempt revenue bonds (the "Bonds") pursuant to the Act for the purpose of lending the proceeds thereof to a California limited partnership to be formed by EAH, Inc., or a related entity (the "Borrower"), to finance the acquisition and rehabilitation by the Borrower of a 37 unit multifamily rental housing facility located at 3073 N. Main Street (APN 170-100-029) in the City of Walnut Creek, California, currently known as The Oaks Apartments (the "Development"), to be owned by the Borrower and to be operated initially by EAH, Inc., or another entity selected by the Borrower; and

WHEREAS, EAH, Inc., has requested an expression of the Board of Supervisors willingness to authorize the issuance of the Bonds at a future date after the documentation relating to the financing has been prepared and completed, and the County's requirements for the issuance of such Bonds have been satisfied; and

WHEREAS, the Board of Supervisors now wishes to declare its intention to authorize the issuance of the Bonds, provided certain conditions are met, for the purpose of financing costs of the Development, in an aggregate principal amount not to exceed \$8,000,000.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Contra Costa as follows:

Section 1. The Board of Supervisors hereby determines that it is necessary and desirable to provide financing for the Development pursuant to the Act by the issuance of the Bonds in an aggregate principal amount not to exceed eight million dollars (\$8,000,000). The issuance of the Bonds shall be subject to the following conditions: (i) the County by resolution of the Board of Supervisors shall have first agreed to acceptable terms and conditions for the Bonds (and for the sale and delivery thereof), and for an indenture and all other agreements with respect to the Bonds; (ii) all requisite governmental approvals for the Bonds shall have first been obtained; (iii) the Bonds shall be payable from revenues received with respect to a loan to the Borrower made with the proceeds of the Bonds, and neither the full faith nor the credit of the County shall be pledged to the payment of the principal of or interest on the Bonds; (iv) any occupancy and other requirements of the Internal Revenue Code of 1986, as amended (the "Code") are satisfied or otherwise provided for with respect to Bonds, the interest on which is intended to be excluded from gross income for federal tax purposes; (v) any occupancy and other requirements of the Act with respect to the Development are satisfied or otherwise provided for; and (vi) any occupancy and other requirements of the County applicable to the Development are satisfied or otherwise provided for.

Section 2. The Chair of the Board of Supervisors, the Vice-Chair of the Board of Supervisors, County Administrator, the County Director of Conservation and Development, the County's Community Development Bond Program Manager, County Counsel and the other officers of the County are hereby authorized and directed to take whatever further action consistent with this Resolution may be deemed reasonable and desirable, including participating in the preparation of any resolution, indenture, bond purchase agreement, official statement and/or other documents or agreements necessary or appropriate to effect the Bond financing, and any actions necessary to obtain an allocation of the State of California's private activity bond volume cap for the Bonds under Section 146 of the Code and Section 8869.85 of the Government Code, including obtaining a deposit from EAH, Inc., or other representative of the Borrower and submitting an application for such volume cap to the California Debt Limit Allocation Committee, all to the extent required for the issuance of the Bonds.

Section 3. It is the purpose and intent of the County that this Resolution constitute a declaration of official intent to issue the Bonds for the Development for purposes of Sections 103 and 141 to 150 of the Code. The County reasonably expects that certain costs of the Development will be reimbursed with proceeds of the Bonds for certain expenditures made prior to the issuance of the Bonds.

Section 4. This Resolution shall take effect immediately upon its passage and adoption.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Kristen Lackey (925) 674-7888

ATTESTED: June 9, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Stephanie L. Mello
By: Stephanie L. Mello, Deputy



cc: