



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: July 10, 2018

Subject: Resolution of Intent and Authorization to Issue Bonds for a Multifamily Residential Rental Housing Development in Bay Point

RECOMMENDATION(S):

1. ADOPT Resolution No. 2018/432 authorizing the issuance of Multi-Family Housing Revenue Bonds (the "Bonds") in an amount not to exceed \$68,000,000 to finance the acquisition and construction of Bay Point Family Apartments, an 193-unit residential rental development located at the Northeast corner of the intersection of Port Chicago Highway and Willow Pass Road (Assessor's Parcel Nos. (APNs) 098-240-058-2 and 098-240-059-0), in the unincorporated area of Bay Point (the "Development") subject to certain conditions in the Resolution.
2. ACKNOWLEDGE that (a) it is the intent of the County to issue the Bonds for the Development, and (b) for the purposes of Section 147(f) of the Internal Revenue Code of 1986, authorize the issuance of the Bonds to finance the costs of acquisition and construction of the Development.
3. ACKNOWLEDGE that adoption of this resolution does not relieve or exempt the project sponsor from obtaining required permits or approvals, nor obligate the County to incur any obligation to provide financial assistance with respect to the Bonds or the Development; and
4. AUTHORIZE and DIRECT any authorized officer of the County to take whatever further action consistent with the Resolution may be deemed reasonable and desirable to obtain an allocation of the State of California's private activity bond volume cap for the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/10/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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.

ATTESTED: July 10, 2018

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

By: June McHuen, Deputy

Contact: Kara Douglas (925)
674-7880

cc:

Bonds. Authorized officers include the Chair of the Board of Supervisors, the Vice-Chair of the Board of Supervisors, the County Administrator, the County Director of the Conservation and Development Department, the County Assistant Deputy Director of Conservation and Development, County Counsel, and other officers of the County.

FISCAL IMPACT:

None. In the event that the bonds are issued, the County is reimbursed for costs incurred in the issuance process. Annual expenses for monitoring of Regulatory Agreement provisions ensuring certain units in the Development will be rented to low income households are accommodated in the bond issue. The bonds will be solely secured by and payable from revenues (e.g. Development rents, reserves, etc.) pledged under the bond documents. No County funds are pledged to secure the Bonds.

BACKGROUND:

Contra Costa County, through the Conservation and Development Department, operates a multifamily mortgage revenue bond financing program. The purpose of the program is to increase or preserve the supply of affordable rental housing available to low and very low income households. The County program may be undertaken within the unincorporated County and within the cities located in the County that have agreed to let the County operate the program in their jurisdiction.

Meta Housing Corporation (the "Sponsor"), requested to participate in the County's multifamily mortgage revenue bond financing program. The Sponsor proposes to form a new limited partnership with a to-be-named tax credit investor as a limited partner to develop the facility. The proposed development meets the eligibility criteria for bond financing and the County policy for this program. The proposed development consists of an 193-unit multifamily rental housing facility to be located located at the Northeast corner of the intersection of Port Chicago Highway and Willow Pass Road (APNs 098-240-058-2 and 098-240-059-0) in the unincorporated area of Bay Point, California, currently identified as Bay Point Family Apartments (the "Development"). The County approved the Preliminary and Final Development Plan for the Development on April 25, 2017.

The recommended action is the adoption of a resolution by the Board, as the legislative body of the County, authorizing the issuance of Multifamily Housing Revenue Bonds (the "Bonds"), which will be used to finance the Development.

A requirement of federal tax law is that the prospective financing be subject to a conditional statement of intent to issue bonds to reimburse expenses incurred prior to the date the bonds are issued, i.e. a reimbursement resolution must be adopted by the Board of Supervisors. Also, the California Debt Limit Allocation Committee that allocates tax-exempt bond authority to the bond issue, requires that a reimbursement resolution be adopted before an application may be made for such an allocation. The adoption of a reimbursement resolution will not obligate the County or the owner without future discretionary actions, but will indicate the intent of the County to issue the bonds if all conditions in the reimbursement resolution have been satisfied. The resolution also authorizes the Board Chair and County staff to take whatever further action that 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.

In addition, the proposed resolution acknowledges that a public hearing will be held by the Assistant Deputy Director on July 9, 2018 (the day before this item is to be considered by the Board; staff will provide a revised proposed resolution after the July 9 hearing if necessary), and meets other bond issuance requirements which are specified in Section 147(f) of the Internal Revenue Code (the TEFRA hearing). The proposed bonds cannot be issued until a separate resolution is adopted by the Board of Supervisors specifically authorizing the sale of the Bonds. Such separate resolution will come to the Board for consideration after receipt of an allocation from the State of California for Private Activity Bond Authority. An application for Private Activity Bond Authority will be submitted to the California Debt Limit Allocation Committee by July 20, 2018. The expected timing for a Bond Sale Resolution would be by December 2018.

The proposed resolution would not relieve the Sponsor from obtaining other required permits or approvals required by law, nor obligate the County to incur any obligation or provide financial assistance with respect to the Bonds or the Development. Annual expenses of the County related to the monitoring of the Regulatory Agreement are accommodated in the bond issue.

CONSEQUENCE OF NEGATIVE ACTION:

Without the reimbursement and TEFRA resolution, the Sponsor will not be able to apply to the California Debt Limit Allocation Committee for multifamily housing revenue bond authority through the County.

CHILDREN'S IMPACT STATEMENT:

Bay Point Family Apartments will support outcome number 3: Families are Economically Self Sufficient

ATTACHMENTS

Notice of Hearing Proof of Publication

Resolution No. 2018/432