

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-10-0137

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH APPROVING A JOINT EXERCISE
5 OF POWERS AGREEMENT RELATING TO THE
6 CALIFORNIA MUNICIPAL FINANCE AUTHORITY, AND
7 APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING
8 REVENUE BONDS BY THE AUTHORITY FOR THE
9 PURPOSE OF FINANCING THE ACQUISITION AND
10 REHABILITATION OF MULTIFAMILY RENTAL HOUSING
11 FACILITIES KNOWN AS EVERGREEN APARTMENTS

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13 WHEREAS, pursuant to Chapter 5 of Division 7 of Title 1 of the
14 Government Code of the State of California (the "Act"), certain public agencies (the
15 "Members") have entered into a Joint Exercise of Powers Agreement, effective on
16 January 1, 2004 (the "Agreement") in order to form the California Municipal Finance
17 Authority (the "Authority"), for the purpose of promoting economic, cultural and
18 community development, and in order to exercise any powers common to the Members,
19 including the issuance of bonds, notes or other evidences of indebtedness; and

20 WHEREAS, the Authority is authorized to issue and sell revenue bonds for
21 the purpose, among others, of financing or refinancing the acquisition and rehabilitation
22 of multifamily rental housing projects; and

23 WHEREAS, Abode Communities ("Abode") has requested that the Authority
24 issue and sell revenue bonds in the maximum principal amount of \$14,000,000 (the
25 "Bonds") for the purpose of making a loan to a partnership to be formed by Abode (the
26 "Borrower") to enable the Borrower to finance the costs of the acquisition and
27 rehabilitation of 81 units of multifamily rental housing located on three sites in the City of
28 Long Beach (the "City"), including 1823 E. 68th Street (36 units), 1801 E. 68th Street (26

1 units) and 1528 N. Freeman Avenue (19 units), and referred to collectively as the
2 "Project" in this Resolution; and

3 WHEREAS, in order for the Authority to have the legal authority to issue the
4 Bonds, it is necessary for the City to become a Member of the Authority, and the City
5 Council of the City has determined that it is in the public interest and for the public benefit
6 that the City become a Member of the Authority in order to facilitate the financing of the
7 acquisition and rehabilitation of the Project; and

8 WHEREAS, the Agreement has been filed with the City Attorney, and the
9 City Council, with the assistance of City staff, has reviewed the Agreement; and

10 WHEREAS, in order for the interest on the Bonds to be tax-exempt, Section
11 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that an
12 "applicable elected representative" with respect to the Authority approve the issuance of
13 the Bonds by the Authority following the conduct of a public hearing regarding the
14 issuance of the Bonds and the financing of the Project; and

15 WHEREAS, the Authority has determined that the City Treasurer is an
16 acceptable party to hold the public hearing and the City Council is an "applicable elected
17 representative" for purposes of approving the issuance of the Bonds by the Authority; and

18 WHEREAS, notice of the public hearing has been duly given as required by
19 the Code, and the City Treasurer has heretofore held the public hearing at which all
20 interested persons were given an opportunity to be heard on all matters relative to the
21 financing of the Project and the Authority's issuance of the Bonds therefore, and a
22 summary of any oral or written testimony received at the public hearing has been
23 presented to the City Council for its consideration; and

24 WHEREAS, it is in the public interest and for the public benefit that the City
25 Council approve the issuance of the Bonds by the Authority for the aforesaid purposes;

26 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
27 follows:

28 Section 1. The Agreement is hereby approved and the City Manager or

1 designee thereof is hereby authorized and directed to execute the Agreement, and the
2 City Clerk is hereby authorized and directed to attest thereto.

3 Section 2. The City Council hereby approves the issuance of the Bonds
4 by the Authority for the purpose of providing funds to make a loan to the Borrower to
5 enable the Borrower to finance the Project.

6 Section 3. The issuance of the Bonds shall be subject to approval of the
7 Authority of all financing documents relating thereto to which the Authority is a party. The
8 City shall have no responsibility or liability whatsoever with respect to repayment or
9 administration of the Bonds.

10 Section 4. The adoption of this Resolution shall not obligate the City or
11 any department thereof to (i) provide any financing to acquire or rehabilitate the Project;
12 (ii) approve any application or request for or take any other action in connection with any
13 planning approval, permit or other action necessary for the acquisition, rehabilitation or
14 operation of the Project; (iii) make any contribution or advance any funds whatsoever to
15 the Authority; or (iv) take any further action with respect to the Authority or its
16 membership therein.

17 Section 5. The City Manager, the City Treasurer, the City Clerk and all
18 other proper officers and officials of the City are hereby authorized and directed to
19 execute such other agreements, documents and certificates, and to perform such other
20 acts and deeds, as may be necessary or convenient to effect the purposes of this
21 Resolution.

22 Section 6. The City Clerk shall forward a certified copy of this Resolution
23 and an originally executed signature page of the City to the Agreement to the Authority in
24 care of its counsel, addressed as follows:

25 Andréa Caruso Townsend
26 Squire, Sanders & Dempsey LLP.
27 555 South Flower Street, Suite 3100
28 Los Angeles, CA 90071-2300

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Section 7. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of November 9, 2010, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, DeLong, O'Donnell,
Schipske, Andrews, Johnson, Gabelich,
Neal.

Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk