

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-12-0099

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH APPROVING THE ISSUANCE BY
5 THE CALIFORNIA STATEWIDE COMMUNITIES
6 DEVELOPMENT AUTHORITY OF MULTIFAMILY
7 HOUSING REVENUE BONDS FOR THE BELWOOD ARMS
8 APARTMENTS
9

10 WHEREAS, the California Statewide Communities Development Authority
11 (the "Authority") is authorized pursuant to the provisions of California Government Code
12 Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of
13 Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local
14 agencies throughout the State of California, including the City of Long Beach (the "City"),
15 to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the
16 California Health and Safety Code for the purpose of financing multifamily rental housing
17 projects; and

18 WHEREAS, a partnership to be formed by Hunt Capital Partners LLC, a
19 limited partnership or related entities, has requested that the Authority adopt a plan of
20 financing providing for the issuance of multifamily housing revenue bonds (the "Bonds")
21 in one or more series issued from time to time, including bonds issued to refund such
22 revenue bonds in one or more series from time to time, and at no time to exceed
23 \$7,500,000 in outstanding aggregate principal amount, to finance the acquisition and
24 rehabilitation of a 34-unit multifamily rental housing project located at 6301 Atlantic
25 Boulevard, Long Beach, California, generally known as Belwood Arms Apartments (the
26 "Project") and operated by Barker Management Inc.; and

27 WHEREAS, the Bonds or a portion thereof will be "private activity bonds"
28 for purposes of the Internal Revenue Code of 1986 (the "Code"); and

1 WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance,
2 private activity bonds are required to be approved by the “applicable elected
3 representative” of the governmental units on whose behalf such bonds are expected to
4 be issued and by a governmental unit having jurisdiction over the entire area in which any
5 facility financed by such bonds is to be located, after a public hearing held following
6 reasonable public notice; and

7 WHEREAS, the members of this City Council (this “City Council”) are the
8 applicable elected representatives of the City; and

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

12 WHEREAS, such public hearing was conducted on such date, at which time
13 an opportunity was provided to interested parties to present arguments both for and
14 against the issuance of the Bonds; and

15 WHEREAS, the Authority is also requesting that the City Council approve
16 the issuance of any refunding bonds hereafter issued by the Authority for the purpose of
17 refinancing the Bonds which financed the Project (the “Refunding Bonds”), but only in
18 such cases where federal tax laws would not require additional consideration or approval
19 by the City Council; and

20 WHEREAS, it is intended that this resolution shall constitute the approval of
21 the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the
22 Agreement;

23 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
24 follows:

25 Section 1. The above recitals are true and correct.

26 Section 2. The City Council hereby approves the issuance of the Bonds
27 and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council
28 that this resolution constitutes approval of the Bonds for the purposes of (a) Section

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1 147(f) of the Code and (b) Section 9 of the Agreement.

2 Section 3. The officers of the City are hereby authorized and directed,
3 jointly and severally, to do any and all things and to execute and deliver any and all
4 documents that they deem necessary or advisable in order to carry out, give effect to and
5 comply with the terms and intent of this resolution and the financing approved hereby.

6 Section 4. The City Clerk shall forward a certified copy of this Resolution
7 and a copy of the affidavit of publication of the hearing notice to:

8 Justin Cooper, Esq.
9 Orrick, Herrington & Sutcliffe LLP
10 405 Howard Street
11 San Francisco, California 94105

12 Section 5. This resolution shall take effect immediately upon its adoption
13 by the City Council, and the City Clerk shall certify the vote adopting this resolution.


14 I hereby certify that the foregoing resolution was adopted by the City
15 Council of the City of Long Beach at its meeting of October 23, 2012 by the
16 following vote:

17 Ayes: Councilmembers: O'Donnell, Schipske, Andrews,
18 Johnson, Austin, Neal, Garcia.

19 _____
20 _____
21 Noes: Councilmembers: None.

22 _____
23 Absent: Councilmembers: Lowenthal, DeLong.

24 _____

25 _____
26 
27 _____
28 City Clerk