

RESOLUTION NO. R-2022-0626

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF INCREASING WORKFORCE AND AFFORDABLE HOUSING IN PALM BEACH COUNTY, FLORIDA IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING TWO HUNDRED MILLION DOLLARS (\$200,000,000), CALLING FOR A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF PALM BEACH COUNTY, FLORIDA TO BE HELD ON NOVEMBER 8, 2022, AS TO WHETHER GENERAL OBLIGATION BONDS TO INCREASE WORKFORCE AND AFFORDABLE HOUSING SHOULD BE ISSUED, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Constitution, the County Charter and applicable laws of the State of Florida authorize and empower Palm Beach County, Florida (the "County") to adopt this Resolution; and

WHEREAS, the February 2021 Report, "Palm Beach County Affordable Housing Needs Assessment" (the "Report") found an acute shortage of workforce and affordable housing in the County.

WHEREAS, based on the Report, the Board of County Commissioners (the "Board") of the County, has determined that there is an urgent need to increase the availability of workforce and affordable housing in the County through the acquiring, constructing and equipping of additional residential units as set forth in Exhibit A hereto (collectively, the "Workforce and Affordable Housing Units"); and

WHEREAS, the Board finds it to be in the best interest of the County to issue its General Obligation Bonds (the "Bonds"), in one or more series, in the aggregate principal amount of not exceeding two hundred million dollars (\$200,000,000), to finance all or a portion of the costs for such Workforce and Affordable Housing Units; and

WHEREAS, it is necessary and essential to call and to hold a bond referendum submitting the issuance of such Bonds for the approval or disapproval of the residents who are qualified electors within the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. The recitals set forth above are adopted by the Board as the findings of the County and are incorporated herein.

SECTION 2. A bond referendum is hereby ordered to be held in the County on the 8th day of November, 2022 to determine whether or not there shall be issued the Bonds of the County in the aggregate principal amount of not exceeding two hundred million dollars (\$200,000,000) for workforce and affordable housing maturing within twenty (20) years from the date or respective dates of issuance of said Bonds and bearing interest at a rate or rates not exceeding the legal maximum rate of interest. The Bonds will be issued for the purpose of financing all or a portion of the costs of the Workforce and Affordable Housing Units and to pay the costs of issuing the Bonds, together with all other costs incidental thereto, for which the full faith and credit and taxing power of the County shall be pledged. The payment of the principal of and interest on the Bonds shall be payable at such times and in such manner as shall be determined by subsequent proceedings of the Board.

SECTION 3. The Workforce and Affordable Housing Units are described as set forth in Exhibit A hereto. To the extent the Workforce and Affordable Housing Units listed in Exhibit A of this Resolution are the subject of contractual agreements between the County and the

external agencies or other entities, such agreements shall provide the terms and conditions for the County to release Bond proceeds to the agency or entity and such other requirements as the County shall deem appropriate. In the event that an agency or entity fails, without adequate reason, to commence acquisition, planning, design or construction of a project within one (1) year of the receipt of County approval to proceed with such project, the County shall have the option of reallocating the Bond proceeds earmarked for such project to any other project in Exhibit A or another project that falls within categories and types of projects described in the ballot question and Exhibit A. All additions, deletions and significant modifications to individual projects or to Exhibit A shall require a majority vote of the Board.

SECTION 4. The Bonds may be issued all at one time or in part from time to time in one or more series as the Board may in its discretion hereafter determine by subsequent proceedings.

SECTION 5. The Bonds shall not be issued for the Workforce and Affordable Housing Units unless such Bonds shall be approved at the bond referendum by a majority of the qualified electors of the County voting in such election all in the manner provided in the Constitution and the statutes of the State of Florida.

SECTION 6. Polling locations or places shall be determined by the Supervisor of Elections for Palm Beach County, Florida, and all qualified electors of the County who vote in said election shall vote at said designated polling places. The polls shall be opened on the date of said bond referendum in accordance with Florida law, and, in the case of early voting, at such times, on such days prior to the date of said bond referendum, and at such polling locations or places as determined by the Supervisor of Elections for Palm Beach County, Florida. Only the duly qualified electors of the County will be permitted to vote in said bond referendum.

SECTION 7. The Clerk of the Circuit Court, ex-officio Clerk of the Board (the "Clerk") shall prepare a notice of the bond referendum by causing a copy of the notice in substantially the form attached hereto as Exhibit B (the "Notice") to be published in accordance with the provisions of Sections 100.342 of the Florida Statutes, at least twice, once in the fifth (5th) week and once in the third (3rd) week prior to the week in which the referendum is held, provided the first publication shall take place at least thirty (30) days before the date fixed for election in THE PALM BEACH POST, a newspaper of general circulation within the County. The Clerk shall secure from the publisher of said newspaper an appropriate affidavit of proof that said Notice has been duly published, as herein set forth, and said affidavit shall be made a part of the record of the Board.

SECTION 8. The vote at said bond referendum shall be held in accordance with the requirements of Section 100.221 of the Florida Statutes, the requirements of Chapters 101 and 102 of the Florida Statutes. It shall be the responsibility of the Supervisor of Elections for Palm Beach County, Florida to have prepared ballots approved by the proper authorities as shall be necessary to conduct the election of the qualified electors of the County relative to the question of whether the issuance of Bonds in the aggregate principal amount of not exceeding two hundred million dollars (\$200,000,000) shall be approved to finance the cost of the Workforce and Affordable Housing Units and to pay the costs of issuance of the Bonds, together with all other costs incidental thereto. Ballots in the same general form as hereinafter described shall be available to absentee voting. The Supervisor of Elections is hereby instructed and directed to place the County referendum question set forth in this Resolution on the election ballot immediately following any statewide ballot questions and before any ballot questions that originate from any other local governments, including, but not limited to, any question originating from or concerning the School District of Palm Beach County, any municipality, or any special district.

SECTION 9. The ballots to be issued in said bond referendum shall be substantially in the following form:

BALLOT

**INCREASE WORKFORCE AND AFFORDABLE HOUSING UNITS
TO ADDRESS RISING HOUSING COSTS
GENERAL OBLIGATION BONDS**

To increase workforce and affordable housing through the acquiring, constructing, equipping of residential units, shall County issue not exceeding \$200,000,000 of bonds, frequently combined with other funding, to create rental and homeownership opportunities for households earning up to 140% area median income, bearing interest rate(s) not exceeding legal maximum, maturing within twenty years from issuance, in one or more series, payable from County's full faith, credit and ad valorem taxing power per County Resolution R-2022-0626?

_____ For Bonds

_____ Against Bonds

SECTION 10. The returns of the referendum shall be canvassed in the manner provided by law, and said returns shall be certified to the Board, which shall declare the results thereof. Upon canvassing the returns of the referendum, the results of such referendum shall be recorded in the minutes of the Board in the manner prescribed by law.

SECTION 11. Said bond referendum shall in all other respects be held and conducted in the manner provided in and by the laws of the State of Florida.

SECTION 12. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holdings shall not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 13. This Resolution shall take effect immediately upon its passage.

The foregoing Resolution was offered by Commissioner Bernard, who moved its adoption. The motion was seconded by Commissioner Kerner, and upon being put to a vote, the vote was as follows:

Commissioner Robert S. Weinroth, Mayor	<u>Aye</u>
Commissioner Gregg K. Weiss, Vice Mayor	<u>Aye</u>
Commissioner Maria G. Marino	<u>Nay</u>
Commissioner Dave Kerner	<u>Aye</u>
Commissioner Maria Sachs	<u>Absent</u>
Commissioner Melissa McKinlay	<u>Nay</u>
Commissioner Mack Bernard	<u>Aye</u>

The Mayor thereupon declared the Resolution duly passed and adopted this 21st day of June 2022.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

ATTEST: JOSEPH ABRUZZO
CLERK & COMPTROLLER

By: [Signature]
David Behar, Esq.
Assistant County Attorney

By: [Signature]
Deputy Clerk



EXHIBIT A

WORKFORCE AND AFFORDABLE HOUSING UNITS

Workforce and affordable housing units will consist of the acquisition, construction and equipping of the following:

- **Condominiums:** a for-sale housing type characterized by multiple attached housing units within a single structure or multiple structures where housing units are individually owned and common areas are under joint ownership.
- **Multi-family Rental Units:** a rental housing type characterized by multiple attached housing units within a single structure or multiple structures under singular ownership, where individual housing units are rented to tenants through leasehold agreements.
- **Single-family homes:** a for-sale housing type characterized by one single detached housing unit per structure and property under individual ownership.
- **Townhomes:** a for-sale housing type characterized by attached multi-story units per structure where housing units are individually owned and common areas are under joint ownership.

Projects can be mixed-income and mixed-use; however, bond financing will only be available for the eligible housing units that meet the County requirements.

Projects may be financed combining public and/or private funding sources.

Mixed-income means projects that provide housing for households whose income range could qualify as affordable, workforce and market rate.

Mixed-use means projects that combine a residential and non-residential use.

Affordable housing means housing that is affordable to households whose income does not exceed 80% of the Area Median Income (AMI). Using the FY 2022 AMI chart, for a household of 4, the maximum income is \$73,600, subject to annual adjustment.

Workforce housing means housing that is affordable to households whose income is between 60% AMI and 140% AMI. Using the workforce housing chart for 2022, the eligible household income must be between \$54,180 – \$126,420, subject to annual adjustment.

Bond Issuance

- 1) Requires Board of County Commissioners (BCC) authorization and voter approval of \$200 million General Obligation (GO) housing bonds
- 2) Bonds could be issued in one or more series, from time to time.
- 3) Taxable bond issuance with a 20-year term from the date of issuance.

Allocation Process

- 1) Request for Proposals (RFPs) for developers will be issued by the County and will award loans through a competitive process for Countywide development.
- 2) Bonds will fund loans for permanent financing for multi-family rental units and loans for construction financing for homeownership/for-sale units.
- 3) Awards subject to be reclaimed, if the project has not begun construction within one year

of BCC approval.

- 4) All awards must be approved by the Board of County Commissioners.

Compliance and Monitoring

- 1) Projects must provide annual financial reports prepared by Certified Public Accountant.
- 2) Report of the utilization of restricted units by project must be submitted to the County, as required.
- 3) Projects subject to review by PBC Office of the Inspector General and the PBC Internal Auditor.
- 4) Compliance reviews will be conducted by the County.

