

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 09/13/2011  Consent  Regular  
 Public Hearing  
Department:  
Submitted By: COUNTY ATTORNEY  
Submitted For: Housing Finance Authority of Palm Beach County, Florida

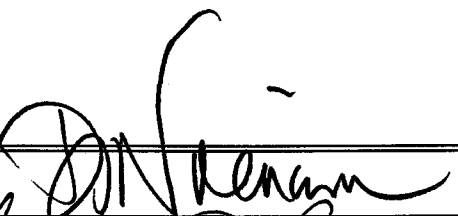
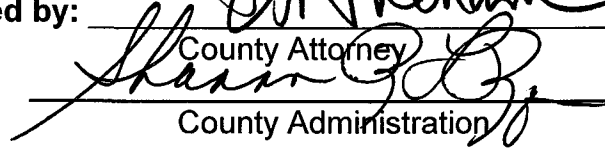
I. EXECUTIVE BRIEF

**Motion and Title:** STAFF RECOMMENDS MOTION TO ADOPT a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving Citibank, N.A. or an affiliate thereof as the payee, within the meaning of Palm Beach County Ordinance No. 2002-022, of the not exceeding \$9,500,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Debt Obligations (Colonial Lakes Apartments Project) (the "Debt Obligations"), the proceeds of which are to be used to make a mortgage loan to Colonial Lakes Apartments, Ltd. to be used to finance the costs of the acquisition, construction and equipping of an approximately 120 unit multifamily rental housing development for families of low or moderate income; and providing an effective date.

**Summary:** The Debt Obligations are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority"), pursuant to a plan or plans of finance, to finance a portion of the costs of acquisition, construction and equipping by Colonial Lakes Apartments, Ltd. (the "Borrower") of an approximately 120 unit multifamily rental housing facility to be known as Colonial Lakes Apartments, to be located on the SW corner of the intersection of Lake Worth Road and Westview Street, in the unincorporated area of Palm Beach County, to be rented to qualified persons and families in Palm Beach County. The County, by the adoption of Resolution R-2011-9050 on June 21, 2011, previously approved the issuance of the Debt Obligations as required by Section 147(f) of the Internal Revenue Code of 1986, as amended. Bryant Miller Olive is Bond Counsel to the Authority with respect to the Debt Obligations. There will be no underwriter for the Debt Obligations since the Authority will deliver the Debt Obligations directly to Citibank, N.A. or an affiliate thereof, as the purchaser thereof. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds. District 2 (PFK).**

**Background and Justification:** The adoption of this Resolution by the Board of County Commissioners would constitute the approval of Citibank, N.A. or an affiliate thereof as the payee required by Palm Beach County Ordinance No. 2002-022.

**Attachments:**  
1. Resolution

Recommended by:  County Attorney Date: 8/19/11  
Approved By:  County Administration Date: 8/29/11

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	20 <u>11</u>	20 <u>12</u>	20 _____	20 _____	20 _____
Capital Expenditures	<u>0</u>	<u>0</u>	_____	_____	_____
Operating Costs	<u>0</u>	<u>0</u>	_____	_____	_____
External Revenues	<u>0</u>	<u>0</u>	_____	_____	_____
Program Income (County)	<u>0</u>	<u>0</u>	_____	_____	_____
In-Kind Match (County)	<u>0</u>	<u>0</u>	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>0</u> * see below	<u>0</u>	_____	_____	_____
<b>No. ADDITIONAL FTE POSITIONS (Cumulative)</b>	<u>0</u>	<u>0</u>	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
 Object \_\_\_\_\_ Reporting Category \_\_\_\_\_

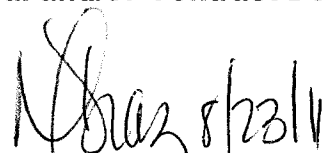

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

N.A.

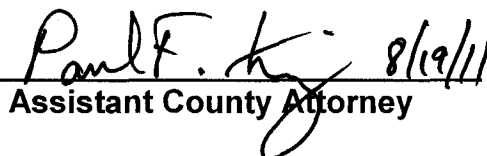
\* **C. Departmental Fiscal Review: All costs to be borne by Housing Finance Authority. No fiscal impact to Palm Beach County.**

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

 <u>NS</u> 8/23/11	 <u>Contract Dev. and Control</u> 8/25/11
OFMB 8/23/11	8/23/11

**B. Legal Sufficiency:**

  
Paul F. King  
 Assistant County Attorney  
 8/19/11

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

REVISED 9/03  
 ADM FORM 01  
 (THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

PFK\BONDS\HOUSEFIN\hfa2011\BoCC Agenda Item Summary - HFA - Colonial Lakes Apartments - Approval of Payee.DOCX

RESOLUTION NO. R-2011 - \_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; APPROVING CITIBANK, N.A. OR AN AFFILIATE THEREOF AS THE PAYEE, WITHIN THE MEANING OF PALM BEACH COUNTY ORDINANCE NO. 2002-022, OF NOT EXCEEDING \$9,500,000 HOUSING FINANCE AUTHORITY OF PALM BEACH COUNTY, FLORIDA, MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS (COLONIAL LAKES APARTMENTS PROJECT) THE PROCEEDS OF WHICH ARE TO BE USED TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF AN APPROXIMATELY 120 UNIT MULTIFAMILY RENTAL HOUSING DEVELOPMENT, TO BE BUILT IN ONE OR MORE PHASES, FOR FAMILIES OF LOW OR MODERATE INCOME; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Housing Finance Authority of Palm Beach County, Florida (the "Authority") was created pursuant to Part IV, Chapter 159, Florida Statutes, and Article V, Division 3, Sections 2-181 et seq., Palm Beach County Code of Ordinances (the "Ordinance"); and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida (the "Board"), has heretofore adopted Resolution No. 79-1150 declaring its need for the Authority to function in order to alleviate the shortage of housing and capital investment in housing within Palm Beach County, Florida (the "County"); and

**WHEREAS**, the Authority held a properly noticed public hearing pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") on June 10, 2011, regarding a plan or plans of finance with respect to the proposed issuance of its multifamily housing revenue debt obligations (Colonial Lakes Apartments Project), in the principal amount of not exceeding \$9,500,000, which debt obligation is expected to take the form of a non-recourse note (herein, the "Debt Obligations"); and

**WHEREAS**, the Board, on June 21, 2011, adopted Resolution No. R-2011-9050, approving the issuance of the Debt Obligations for purposes of Section 147(f) of the Code; and

**WHEREAS**, the Debt Obligations will be issued by the Authority to Citibank, N.A. or an affiliate thereof (the "Funding Lender"), and the proceeds thereof will be used to make a mortgage loan to finance all or a portion of the costs of acquisition, construction and equipping of an approximately 120 unit rental housing development known as Colonial Lakes Apartments, to be located on the SW corner of the intersection of Lake Worth Road and Westview Street, in the unincorporated area of Palm Beach County, Florida (the "Project"), to be occupied by families of low or moderate income to the extent required by and within the meaning of Section 142(d) of the Code; and

**WHEREAS**, the Debt Obligations shall be limited obligations of the Authority payable from the revenues derived from the operation of the Project and the payment of such Debt Obligations will be secured by a note and mortgage executed by Colonial Lakes Apartments, Ltd., a Florida limited partnership, or an affiliate thereof, as the borrower; and

**WHEREAS**, the Debt Obligations shall not be a debt of the Authority, the County, the State of Florida (the "State"), nor any other political subdivision thereof; and neither the Authority, the County, the State nor any other political subdivision thereof shall be liable thereon; and

WHEREAS, there will be no underwriter or placement agent for the Debt Obligations since the Authority will deliver such Debt Obligations directly to the Funding Lender to evidence the governmental loan made by the Funding Lender; and

WHEREAS, the Authority has requested that the Board approve the execution and delivery of the Debt Obligations as required by the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA;**

1. That the above recitals are hereby adopted by the Board as the findings of the County and are incorporated herein.

2. That the execution and delivery of the Debt Obligations to the Funding Lender is approved within the meaning of the Ordinance.

4. That the Chair and the Clerk are authorized to execute this Resolution on behalf of Palm Beach County, Florida.

5. That this Resolution shall take effect upon adoption.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved for its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to vote, the motion passed as follows:

Commissioner Karen T. Marcus, Chair  
Commissioner Shelley Vana, Vice Chair  
Commissioner Paulette Burdick  
Commissioner Steven L. Abrams  
Commissioner Burt Aaronson  
Commissioner Jess R. Santamaria  
Commissioner Priscilla A. Taylor

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

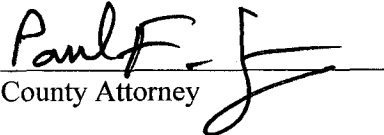
**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

**SHARON R. BOCK, CLERK & COMPTROLLER**

By: \_\_\_\_\_  
Deputy Clerk

(SEAL)

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
County Attorney

RM:8059496:2