

Agenda Item #: **5B-2**

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** 4/17/2012  Consent  Regular  
 Public Hearing  
**Department:**  
**Submitted By:** COUNTY ATTORNEY  
**Submitted For:** Housing Finance Authority of Palm Beach County, Florida

**I. EXECUTIVE BRIEF**

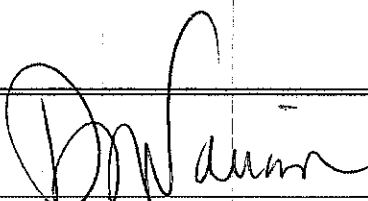
**Motion and Title:** Staff recommends motion to adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of the not exceeding \$8,400,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Refunding Debt Obligations (Pinnacle Palms Apartments Project) (the "Debt Obligations") and of Citibank, N.A. or an affiliate thereof as the payee, within the meaning of Palm Beach County Ordinance No. 2002-022, of the Debt Obligations.

**Summary:** The Debt Obligations are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority"), to refund the outstanding principal amount of the Authority's Multifamily Housing Revenue Bonds, Series 2001A (Pinnacle Palms Apartments Project) (the "Refunded Bonds"), which Refunded Bonds were issued to finance the costs of the acquisition, construction, rehabilitation and/or equipping of a 152 unit multifamily rental housing facility for the elderly known as Pinnacle Palms Apartments, located at 601 Executive Center Drive, West Palm Beach, Florida 33401, rented to qualified persons and families as required by the Act and the Internal Revenue Code of 1986, as amended (the "Code") in Palm Beach County, Florida. The County approved the issuance of the Refunded Bonds prior to their issuance as required by Section 147(f) of the Internal Revenue Code of 1986, as amended. The Debt Obligations will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Greenberg Traurig 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 are pledged to pay the principal, redemption premium, if any, or interest on the Debt Obligations.** District 7 (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:**  3/15/12  
County Attorney Date

**Approved By:** N/A \_\_\_\_\_  
County Administration Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Capital Expenditures	0				
Operating Costs	0				
External Revenues	0				
Program Income (County)	0	0			
In-Kind Match (County)	0				
<b>NET FISCAL IMPACT</b>	0	* See below			
No. ADDITIONAL FTE POSITIONS (Cumulative)	0				

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

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

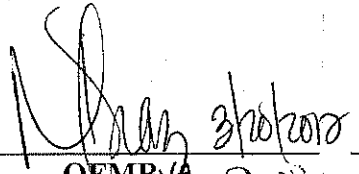
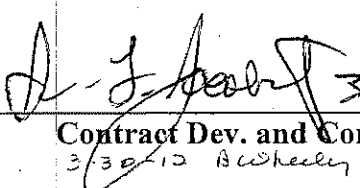
N.A.

**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:**

  
 OFMBVA 3/19/12  
  
 Contract Dev. and Control 3/30/12 B. W. Healy

**B. Legal Sufficiency:**

  
 Paul F. J. 3/15/12  
 Assistant County Attorney

**C. Other Department Review:**

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

**(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)**

RESOLUTION NO. R-2012 - \_\_\_\_\_

**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 \$8,400,000 HOUSING FINANCE AUTHORITY OF PALM BEACH COUNTY, FLORIDA, MULTIFAMILY HOUSING REVENUE REFUNDING DEBT OBLIGATIONS (PINNACLE PALMS APARTMENTS PROJECT) THE PROCEEDS OF WHICH ARE TO BE USED TO REFUND THE OUTSTANDING PRINCIPAL AMOUNT OF THE AUTHORITY'S MULTIFAMILY HOUSING REVENUE BONDS, SERIES 2001A (PINNACLE PALMS APARTMENTS PROJECT) (THE "REFUNDED BONDS"), WHICH REFUNDED BONDS WERE ISSUED FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, REHABILITATION AND/OR EQUIPPING OF A 152 UNIT MULTIFAMILY RENTAL HOUSING DEVELOPMENT FOR THE ELDERLY KNOWN AS PINNACLE PALMS; 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 Borrower (as defined below) has made application to the Authority to issue its debt obligations (herein, the "Debt Obligations") to retire the Refunded Bonds (as defined below); 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") with respect to the issuance of the Refunded Bonds and the Board previously approved the issuance of the Refunded Bonds for purposes of Section 147(f) of the Code, as a result of which a new public hearing and approval is not legally required with respect to the Debt Obligations; 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 finance all or a portion of the costs of refunding the outstanding principal amount of the Authority's Multifamily Housing Revenue Bonds, Series 2001A (Pinnacle Palms Apartments Project) (the "Refunded Bonds"), which Refunded Bonds were issued to finance the costs of the acquisition, construction, rehabilitation and/or equipping of a 152 unit multifamily rental housing facility for the elderly known as Pinnacle Palms Apartments, located at 601 Executive Center Drive, West Palm Beach, Florida 33401 (the "Pinnacle Palms Project"), rented to qualified persons and families as required by the Act and the Internal Revenue Code of 1986, as amended (the "Code") in Palm Beach County, Florida; 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 Pinnacle Palms, Ltd., a Florida limited partnership, or an affiliate thereof (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 issuance of the Debt Obligations and 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 issuance of the Debt Obligations and 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 Shelley Vana, Chair
- Commissioner Steven L. Abrams, Vice Chairman
- Commissioner Karen T. Marcus
- Commissioner Paulette Burdick
- Commissioner Burt Aaronson
- Commissioner Jess R. Santamaria
- Commissioner Priscilla A. Taylor

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2012.

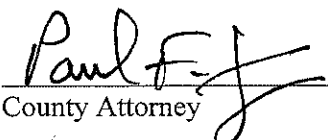
**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

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

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

(SEAL)

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
County Attorney