

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	6/19/2012	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> 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 not exceeding \$6,800,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Debt Obligations (Pine Run) (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 finance the costs of the acquisition, construction and/or equipping by HTG Palm Beach II, LLC (the "Borrower") of a not to exceed 70 unit multifamily rental housing facility to be known as Pine Run, to be located at the northwest corner of Melaleuca Lane and Suburban Pines Dr., in unincorporated Palm Beach County (the "County"), to be rented to qualified persons and families as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). 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. 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 are pledged to pay the principal, redemption premium, if any, or interest on the Debt Obligations.** District 2 (PFK)

Background and Justification: The adoption of this Resolution by the Board of County Commissioners would constitute the approval required under Section 147(f) of the Code and 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

Approved By:

N/A

County Administration

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

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

[Handwritten signature] 5/17/2018
OFMB VA 5/17/12
[Handwritten signature] 5/17/12

[Handwritten signature] 5/17/12
Contract Dev. and Control
[Handwritten signature]

B. Legal Sufficiency:

Paul F. [Signature] 5/16/12
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 \$6,800,000 HOUSING FINANCE AUTHORITY OF PALM BEACH COUNTY, FLORIDA, MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS (PINE RUN) THE PROCEEDS OF WHICH ARE TO BE USED FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, REHABILITATION AND/OR EQUIPPING OF A NOT TO EXCEED 70 UNIT MULTIFAMILY RENTAL HOUSING DEVELOPMENT TO BE KNOWN AS PINE RUN; 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") for the purpose of financing all or a portion of the costs of acquisition, construction and/or equipping of a not to exceed 70 unit rental housing development to be known as Pine Run, to be located at the northwest corner of Melaleuca Lane and Suburban Pines Drive, in unincorporated Palm Beach County, Florida (the "Project"), to be occupied by persons of low or moderate income as required within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended (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/or other collateral provided by or on behalf of HTG Palm Beach II, LLC, a Florida limited liability company, or an affiliate thereof (the "Borrower") and the payment of such Debt Obligations will be secured by a note and mortgage executed by the Borrower and/or such collateral; and

WHEREAS, the Authority held a properly noticed public hearing pursuant to the provisions of Section 147(f) of the Code on June 8, 2012, regarding the proposed issuance of its multifamily housing revenue debt obligations (Pine Run), in the principal amount of not exceeding \$6,800,000; 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, the Authority has requested that the Board approve the issuance of the Debt Obligations within the meaning 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 finance all or a portion of the costs of the 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, 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 is approved within the meaning of Section 147(f) of the Code.

3. 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: Paul F. [Signature]
County Attorney

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