Agenda Item #: 5A-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:

March 12, 2013

[] Consent

[X] Regular

[] Ordinance

Public Hearing

Department:

Department of Economic Sustainability

Submitted For:

Housing Finance Authority of Palm Beach County

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 \$6,000,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds (La Joya Villages Project) the proceeds of which are to be used for the purpose of financing the acquisition, construction and/or equipping of a not to exceed 55 unit multifamily rental housing development to be known as La Joya Villages; approving GA Housing LLC or other tax exempt investment fund sponsored by Red Stone Partners, and Community & Southern Bank or an affiliate thereof, as the Purchaser of said Bonds, within the meaning of Palm Beach County Code Section 2-190; and providing an effective date.

Summary: The Housing Finance Authority of Palm Beach County, Florida (the "Authority") was established by the Board of County Commissioners (the "Board") in 1979 in accordance with Part IV of Chapter 159, Florida Statutes (the "Act). Section 2-190 of the Palm Beach County Code requires that all bonds of the Authority and the purchaser of such bonds must be submitted to and approved by the Board.

The Bonds are being issued by the Authority, to finance the costs of the acquisition, construction and/or equipping by La Joya Villages, Ltd. (the "Borrower") and being developed by Realtex Development Corporation Southeast and Community Land Trust of Palm Beach County (jointly, the "Developer") of a not to exceed 55 unit multifamily rental housing facility to be known as La Joya Villages, located at 1105 6th Avenue South, Lake Worth, Florida 33460, in the City of Lake Worth (the "City"), 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 Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Greenberg Traurig, LLP is Bond Counsel to the Authority with respect to the Bonds. There will be no underwriter for the Bonds since the Authority will deliver the Bonds directly to GA Housing LLC and to Community & Southern Bank or an affiliate of either thereof, as the purchasers This funding is projected to create 247 jobs and have a five (5) year Economic Sustainability Impact of \$23.7 Million. 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 Bonds. (HFA of PBC) District 7 (PFK)

Background and Justification: The adoption of this Resolution by the Board would constitute the approval required under Section 147(f) of the Code and the approval of GA Housing LLC and Community & Southern Bank or an affiliate of either thereof, as the purchasers thereof required by Section 2-190 of the Palm Beach County Code.

Attachments:

1. Resolution

2. Proof of Publication of TEFRA Notice

Recommended By:

Department Director

Date

Approved By: \

Assistant County Administrator

Date Date

II. FISCAL IMPACT ANALYSIS

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income	,	'			
In-Kind Match (County)					
NET FISCAL IMPACT	- V -				
			-		
# ADDITIONAL FTE POSITIONS (Cumulative)					
s Item Included In Currer Budget Account No.:	nt Budget?	Yes	No <u>X</u>		
3. Recommended Sou	urces of Fur	nds/Summai	ry of Fiscal In	npact:	
			-	•	al impac

III. REVIEW COMMENTS

OFMB Fiscal and/or Contract Development and Control Comments: A.

John What	1/21/13/16	An J- Jacobox (3/5)/3
OFMB	260	Contract Development and Control

В. Legal Sufficiency:

N/A

Other Department Review: C.

Department Director

RESOLUTION OF THE BOARD OF COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; APPROVING THE ISSUANCE OF NOT EXCEEDING \$6,000,000 HOUSING FINANCE AUTHORITY OF PALM BEACH COUNTY, FLORIDA, MULTIFAMILY HOUSING REVENUE BONDS (LA JOYA VILLAGES PROJECT) THE PROCEEDS OF WHICH ARE TO BE USED FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND/OR EQUIPPING OF A NOT TO EXCEED 55 UNIT MULTIFAMILY RENTAL HOUSING DEVELOPMENT TO BE KNOWN AS LA JOYA VILLAGES; APPROVING GA HOUSING LLC OR OTHER TAX EXEMPT INVESTMENT **FUND** SPONSORED BY RED PARTNERS, AND COMMUNITY & SOUTHERN BANK OR AN AFFILIATE THEREOF, AS THE PURCHASER OF SAID BONDS, WITHIN THE MEANING OF PALM BEACH COUNTY CODE SECTION 2-190; 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 (the "Act") 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 bonds (herein, the "Bonds") for the purpose of financing all or a portion of the costs of acquisition, construction and/or equipping of a not to exceed 55 unit rental housing development to be known as La Joya Villages, to be located at 1105 6th Avenue South, Lake Worth, Florida 33460, in the City of Lake Worth (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 Bonds 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 La Joya Villages, Ltd., a Florida limited liability company, or an affiliate thereof (the "Borrower") and the payment of such Bonds 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 February 8, 2013, regarding the proposed issuance of its multifamily housing revenue bonds (La Joya Villages Project), in the principal amount of not exceeding \$6,000,000; and

WHEREAS, the Bonds 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 Bonds within the meaning of Section 147(f) of the Code; and

WHEREAS, the Bonds will be issued by the Authority and purchased by GA Housing LLC or other tax exempt investment fund sponsored by Red Stone Financial Partners, and by Community & Southern Bank or an affiliate thereof (collectively, the "Purchaser"), and the proceeds thereof will be used to finance all or a portion of the costs of the Project to be rented to qualified persons and families as required by the Act and the Code in Palm Beach County, Florida; and

WHEREAS, there will be no underwriter or placement agent for the Bonds since the Authority will deliver the Bonds directly to the Purchaser; and

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

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

- That the above recitals are hereby adopted by the Board as the findings of the 1. County and are incorporated herein.
- 2. That the issuance of the Bonds is approved within the meaning of Section 147(f) of the Code.
- 3. That the issuance of the Bonds and the private placement of the Bonds with the Funding Lender are approved within the meaning of the Ordinance.
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4.	That the Mayor and the Cleri of Palm Beach County, Florid		ecute this Resolution on be	half
5.	That this Resolution shall tak	e effect upon adoption	1.	
moved its add	Resolution was offered by Coption. The motion was secon	ided by Commissioner		who
and being put	to a vote, the vote was as foll	ows:		
	STEVEN L. ABRAMS	S, Mayor	w	
	PRISCILLA A. TAYL	OR, Vice Mayor	-	
	HAL R. VALECHE		-	
PAULETTE BURDIC		K	-	
	SHELLEY VANA		-	
	MARY LOU BERGE		-	
	JESS R. SANTAMA	RIA	-	
	ereupon declared the Resolut ,2013	ion duly passed and a	dopted this 12th	_day
			NTY, FLORIDA, BY ITS Y COMMISSIONERS	
	AS TO FORM AND SUFFICIENCY	ATTEST: SHARON R. BOCK,	CLERK & COMPTROLLE	R
By:	County Attorney	By:	AND THE RESIDENCE OF THE PARTY	

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PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Angela Pace, who on oath says that she is Call Center Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice in the matter NOTICE OF PUBLIC HEARING CONCERNING THE was published in said newspaper in the issues of 01/24/2013. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.

Ad ID: 103959 Ad Cost: 319.92

Signed

Monica Glackman Sworn to and subscribed before 01/25/2013.

Who is personally known to me.

MORICA ERACKICAN, NYON PUBLIC in and for the State of Ohio My Commiss on Express Reptember 30, 2011