

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 7, 2016 [ ] 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 to exceed \$34,000,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds (Lake Delray Apartments Project) within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 2-190, Palm Beach County Code of Ordinances; approving Citibank, N.A., or an affiliate thereof, as the Purchaser of said Bonds, within the meaning of Section 2-190 of the Palm Beach County Code of Ordinances; and providing an effective date.

**Summary:** The Bonds are being issued by the Housing Finance Authority of Palm Beach County, Florida (Authority), to finance the costs of acquiring, rehabilitating and equipping a 404 unit multifamily rental housing development for the elderly known as Lake Delray Apartments (Project). The Project is located at the 700 Lindell Boulevard in Delray Beach. These units will be rented to qualified persons and families as required by Section 142(d) of the Internal Revenue Code of 1986, as amended (Code). The Project is expected to receive four percent (4%) low income housing tax credits that will require 100% of the units to be set aside for persons and families at 60% of area median income adjusted for family size for a period of 30 years. The Borrower is Lake Delray Apartments, LLLP and the Developer is AHC-SHAG Development, LLC. 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, P.A. is Bond Counsel to the Authority with respect to the Bonds, and Citibank, N.A. or an affiliate thereof is the Purchaser of the Bonds. On May 31, 2016, the Authority held a public hearing with respect to the Bonds as required by Section 147(f) of the Code. 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, of interest on the Bonds. (HFA of PBC) District 4 (PFK)

**Background and Justification:** The Authority was established by the Board of County Commissioners (BCC) in 1979 in accordance with Part IV of Chapter 159, Florida Statutes. The adoption of this Resolution by the BCC would constitute approval of the Bonds for purposes of Section 147(f) of the Code and Section 2-190, Palm Beach County Code of Ordinances.

**Attachment(s):**  
1. Resolution

Recommended By: Jimmy Howard 5-24-16  
Department Director Date

Approved By: Nancy L. Bell 5/27/16  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT *	0				

# ADDITIONAL FTE POSITIONS (Cumulative)					
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Is Item Included In Current Budget? Yes \_\_\_\_\_ No x  
 Budget Account No.:

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

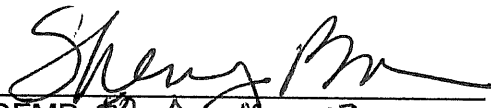
\* All costs to be borne by the Housing Finance Authority. No fiscal impact to Palm Beach County.


**C. Departmental Fiscal Review:**

N/A

**III. REVIEW COMMENTS**

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

  
 OFMB <sup>MS</sup> <sub>5/25</sub> <sup>MS</sup> <sub>5/25</sub> <sup>MS</sup> <sub>5/25</sub> <sup>MS</sup> <sub>5/25</sub>

 5/26/16  
 Contract Development and Control  
 5/26/16 FD

**B. Legal Sufficiency:**

 5/27/16  
 Assistant County Attorney

**C. Other Department Review:**

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

RESOLUTION NO. R2016 - \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; APPROVING THE ISSUANCE OF NOT TO EXCEED \$34,000,000 HOUSING FINANCE AUTHORITY OF PALM BEACH COUNTY, FLORIDA, MULTIFAMILY HOUSING REVENUE BONDS (LAKE DELRAY APARTMENTS PROJECT) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND SECTION 2-190, PALM BEACH COUNTY CODE OF ORDINANCES; APPROVING CITIBANK, N.A., OR AN AFFILIATE THEREOF, AS THE PURCHASER OF SAID BONDS, WITHIN THE MEANING OF SECTION 2-190, PALM BEACH COUNTY CODE OF ORDINANCES; 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 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, rehabilitation and/or equipping of a 404 unit rental housing development for the elderly known as Lake Delray Apartments, located at 700 Lindell Boulevard, Delray Beach, Florida 33444, 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 revenues derived from and/or collateral provided by or on behalf of Lake Delray Apartments, LLLP, a Florida limited liability limited partnership, or an affiliate thereof (the "Borrower") and the payment of such Bonds will be secured by a pledge of and lien on such revenues and/or collateral; and

**WHEREAS**, the Executive Director of the Authority held a properly noticed public hearing pursuant to the provisions of Section 147(f) of the Code on May 31, 2016, regarding the proposed issuance of its Multifamily Housing Revenue Bonds (Lake Delray Apartments Project), in the principal amount of not exceeding \$34,000,000; 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 Bonds will be issued by the Authority, 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 in Palm Beach County, Florida as required by the Act and the Code; and

**WHEREAS**, Citibank, N.A. or an affiliate thereof will be the purchaser of the Bonds (the "Purchaser"); and

**WHEREAS**, the Authority has requested that the Board approve (a) the issuance of the Bonds within the meaning of Section 147(f) of the Code and Section 2-190, Palm Beach County Code of Ordinances, and (b) the purchaser of the Bonds as required by Section 2-190, Palm Beach County Code of Ordinances.

**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 Bonds is approved within the meaning of Section 147(f) of the Code.
3. That the issuance of the Bonds and the sale of the Bonds to the Purchaser are approved within the meaning of Section 2-190, Palm Beach County Code of Ordinances.
4. That the Mayor 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 its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and being put to a vote, the vote was as follows:

<b>Commissioner Mary Lou Berger, Mayor</b>	- _____
<b>Commissioner Hal R. Valeche, Vice Mayor</b>	- _____
<b>Commissioner Paulette Burdick</b>	- _____
<b>Commissioner Shelley Vana</b>	- _____
<b>Commissioner Steven L. Abrams</b>	- _____
<b>Commissioner Melissa McKinlay</b>	- _____
<b>Commissioner Priscilla A. Taylor</b>	- _____

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

**ATTEST: SHARON R. BOCK  
CLERK & COMPTROLLER**

By: \_\_\_\_\_  
Paul F. King,  
Senior Assistant County Attorney

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