

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Grant Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	*				

# ADDITIONAL FTE POSITIONS (Cumulative)					
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Is Item Included In Current Budget? Yes _____ No X
 Does this Item include the use of Federal funds? Yes X No _____

Budget Account No.:

Fund _____ Dept _____ Unit _____ Object _____ Program Code/Period _____

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

* The Sources of Funds will be the New Markets Tax Credit Program of the United States Department of the Treasury Community Development Financial Institutions Fund. Fiscal impact cannot be determined at this time. Fees generated from NMTC program are dependent on the number and size of projects. The budget will be amended to recognize the federal funds, if awarded.

C. Departmental Fiscal Review: 
 Beverley Reid, Fiscal Manager I

III. REVIEW COMMENTS

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

 3/29/18
 OFMB (PDS) 3/27/18 JAA 3/27/18 SP 3/26/18
 3/29/18
 Contract Development and Control 3/28/18

B. Legal Sufficiency:

 3/29/18
 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. R2018-_____

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS (BCC) OF PALM BEACH COUNTY, FLORIDA AUTHORIZING PALM BEACH COUNTY (PBC) TO ENTER INTO A CONTROLLING ENTITY AGREEMENT WITH THE BANK OF BELLE GLADE AND CIDC-PALM BEACH COUNTY COMMUNITY DEVELOPMENT ENTITY LLC (CDE); AUTHORIZING THE CDE TO SUBMIT NEW MARKETS TAX CREDIT (NMTC) PROGRAM APPLICATIONS TO THE UNITED STATES DEPARTMENT OF THE TREASURY COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND (CDFI FUND); AUTHORIZING THE ACCEPTANCE OF FUNDING THROUGH THE NMTC PROGRAM; AUTHORIZING THE USE OF FUNDS AWARDED THROUGH THE NMTC PROGRAM TO SPUR NEW OR INCREASED PRIVATE-SECTOR INVESTMENTS IN DESIGNATED PROJECTS IN PALM BEACH COUNTY AND RURAL COUNTIES SURROUNDING LAKE OKEECHOBEE; AUTHORIZING THE DEPARTMENT OF HOUSING AND ECONOMIC SUSTAINABILITY (HES) TO ESTABLISH AND MANAGE THE NMTC LOAN PROGRAM; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE ALL DOCUMENTS REQUIRED TO APPLY FOR AND RECEIVE FUNDS AWARDED THROUGH THE NMTC PROGRAM AND ALL DOCUMENTS REQUIRED TO IMPLEMENT THE NMTC LOAN PROGRAM, AND ISSUE DEBT OBLIGATIONS PURSUANT THERETO, AND TO PROVIDE ADDITIONAL INFORMATION AS MAY BE REQUIRED; REPEALING RESOLUTION 2011-1106; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the United States Department of the Treasury Community Development Financial Institutions Fund (“CDFI Fund”) accepts allocation applications under its New Markets Tax Credit (“NMTC”) Program from eligible applicants certified as Community Development Entities or CDE’s by the CDFI Fund, to establish a pool of funds to be used for businesses and community development projects; and

WHEREAS, CIDC-Palm Beach County Community Development Entity, LLC has been certified as a Community Development Entity (the “CDE”) by the CDFI Fund, thereby establishing it as an eligible applicant (“Applicant”) for an award of allocation under the NMTC Program; and

WHEREAS, the NMTC allocation application requires that every Applicant must designate a Controlling Entity and such Controlling Entity Representative is required to affirm, through submission of a signature page, that it is indeed the Controlling Entity of the Applicant and supports the Applicant’s allocation application; and

WHEREAS, the Bank of Belle Glade has agreed to participate in the ownership of the CDE for purposes of applying for the NMTC allocations; and

WHEREAS, the Applicant desires that Palm Beach County be designated as the CDE’s Controlling Entity and non-member Manager, providing Management and Voting Control over the CDE; and

WHEREAS, the Department of Housing and Economic Sustainability desires to establish and implement a NMTC Loan Program on behalf of Palm Beach County as the Controlling Entity of the CDE; and

WHEREAS, the purpose of the NMTC Program under IRC §45D of the Internal Revenue Code is to create jobs and provide material improvement in the lives of residents of low-income communities by permitting individual and corporate taxpayers to receive a credit against federal income taxes for making Qualified Equity Investments (QEI’s) in qualified community development entities; and

WHEREAS, if the CDE receives an award of allocation, Palm Beach County must enter into an Allocation Agreement with the CDFI Fund which sets forth terms and conditions of the NMTC Allocation which may include the targeted population, the approved uses of funds, the approved service area(s) in which the proceeds of QEI’s will be used, reporting

requirements and CDE certification requirements throughout the term of the Allocation Agreement etc.; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida believes that it is appropriate to utilize the CDFI Fund's NMTC Investment capital to provide gap financing to established businesses, and has determined that the use of public funds to assist in implementing the NMTC Loan Program constitutes a public purpose as described in Section 290.0411 and Section 125.045 of the Florida Statutes.

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

Section I. The foregoing recitals are true and correct and are expressly incorporated herein by reference and made a part hereof.

Section II. Palm Beach County is authorized to enter into a Controlling Entity Agreement with CIDC-Palm Beach County Community Development Entity, LLC as its Controlling Entity.

Section III. Palm Beach County, through its Department of Housing and Economic Sustainability, is authorized as the Controlling Entity of the CDE to submit to the United States Department of the Treasury Community Development Financial Institutions Fund a NMTC Allocation Application, to administer and lend to businesses located in low income communities in Palm Beach County and surrounding rural counties, and to establish and manage a NMTC Loan Program.

Section IV. The County Administrator, or designee, is authorized to execute all documents required to apply for and receive funds awarded through the NMTC Program and all documents required to implement the NMTC Loan Program, issue debt obligations pursuant thereto, and to provide additional information as may be required.

Section V. SEVERABILITY: If any section, paragraph, sentence, clause or word of this Resolution is for any reason held by a court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

Section VI. EFFECTIVE DATE: This Resolution shall be effective upon adoption by the BCC.

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:

Commissioner Melissa McKinlay, Mayor	_____
Commissioner Mack Bernard, Vice Mayor	_____
Commissioner Hal R. Valeche	_____
Commissioner Paulette Burdick	_____
Commissioner Dave Kerner	_____
Commissioner Steven L. Abrams	_____
Commissioner Mary Lou Berger	_____

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: James Brako
James Brako,
Assistant County Attorney

By: _____
Deputy Clerk