

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9313-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000 FOR THE PURPOSE OF FINANCING THE REHABILITATION, IMPROVEMENT AND EQUIPPING OF THE BRIAR CREST/ROSECREST APARTMENTS PROJECT, AN AFFORDABLE HOUSING PROJECT LOCATED AT 11681, 11682, 11701, 11702 AND 11762 STUART DRIVE, GARDEN GROVE; AND APPROVING CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, the City of Garden Grove ("City") is a California municipal corporation and general law city;

WHEREAS, JHC-Acquisitions LLC, a California limited liability company, or related entities ("Borrower"), has requested that the California Municipal Finance Authority ("CMFA") participate in the issuance of one or more series of revenue bonds issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, in an aggregate principal amount not to exceed \$7,000,000 ("Bonds") for the rehabilitation, improvement and equipping of the Briar Crest/Rosecrest Apartments Project located at 11681, 11682, 11701, 11702 and 11762 Stuart Drive, Garden Grove, California;

WHEREAS, the Briar Crest/Rosecrest Apartments Project includes the rehabilitation of two existing apartment complexes: Briar Crest that consists of four buildings with eight units in each building that was built in 1962, and Rosecrest that consists of one building with ten units that was built in 1958, and as a part of the rehabilitation, one unit will be converted to office space for property management, for a total of 41 affordable units post-rehabilitation, with all unit interiors to be updated and the exteriors of all five buildings to be renovated (together, the "Project");

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 ("Code"), the issuance of the Bonds by the CMFA must be approved by the City, as the host governmental unit, because the Project is located within the territorial limits of the City;

WHEREAS, the City Council of the City of Garden Grove ("City Council") is the elected legislative body of the City and is one of the "applicable elected representatives" required to approve the issuance of the Bonds under Section 147(f) of the Code;

WHEREAS, the CMFA has requested that the City Council approve the issuance of the Bonds by the CMFA in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of

January 1, 2004, ("Agreement"), among certain local agencies, including the City; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a Public Hearing, including accepting and considering oral and written testimony, regarding the issuance of the Bonds and now desires to approve the issuance of the Bonds by the CMFA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garden Grove as follows:

Section 1. The foregoing recitals are true and correct and a substantive part of this Resolution.

Section 2. The City Council hereby approves the issuance of the Bonds by the CMFA. It is the purpose and intent of the City Council that this Resolution constitute approval of the issuance of the Bonds by the CMFA, for the purposes of (i) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) and (ii) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the CMFA of all financing documents relating thereto to which the CMFA is a party. The City shall have no responsibility or liability, financially, legally, ethical or otherwise, whatsoever with respect to the Bonds. The City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City, or any department of the City, or any other governmental entity formed or governed by the City, including without limitation the Garden Grove Housing Authority, to (i) provide any financing to acquire or construct or cause the rehabilitation of the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the construction, rehabilitation, installation, equipping or operation of the Project; (iii) make any contribution or advance any funds or in kind consideration whatsoever to the CMFA; or (iv) take any further action with respect to the CMFA or its membership therein.

Section 5. The officers of the City, in particular the Interim City Manager, and the City Manager, and each of their authorized representatives, are hereby authorized and directed, jointly and severally, to do and take any and all actions necessary to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and the financing transaction approved hereby.

Section 6. This Resolution shall take effect immediately upon its adoption; and the City Clerk shall certify to its adoption.

Adopted this 28<sup>th</sup> day of July 2015.

ATTEST:

/s/ BAO NGUYEN  
MAYOR

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) SS:  
CITY OF GARDEN GROVE )

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at a meeting held on the 28<sup>th</sup> day of July 2015, by the following vote:

AYES:    COUNCIL MEMBERS:   (5) BEARD, BUI, JONES, PHAN, NGUYEN  
NOES:    COUNCIL MEMBERS:   (0) NONE  
ABSENT:  COUNCIL MEMBERS:   (0) NONE

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK