

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING THE ISSUANCE OF TAX-
EXEMPT MULTIFAMILY HOUSING REVENUE BONDS FOR
THE CONSTRUCTION OF THE CONGREGATIONAL PLACE
PROJECT AND CERTAIN OTHER MATTERS RELATING
THERE TO

WHEREAS, the California Municipal Finance Authority (the “Authority”) is authorized pursuant to Title 1, Division 7, Chapter 5 of the California Government Code of California (the “Act”) and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the “Agreement”), among certain local agencies throughout the State of California, including the City of Chula Vista, California (the “City”), to issue revenue bonds and other forms of indebtedness to promote economic development within the State of California; and

WHEREAS, 3rd Street RHF and CCDC Partners, LP, a California limited partnership, or an affiliate thereof (the “Borrower”) has requested that the Authority participate in the issuance of one or more series of revenue bonds or notes issued from time to time, pursuant to a plan of finance, in an aggregate outstanding principal amount not to exceed \$30,000,000 (the “Bonds”) for the acquisition, construction, improvement and equipping of a multifamily rental housing development known as Congregational Place located at 305 E Street, Chula Vista, California (the “Project”), to be owned and operated by the Borrower; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of the Bonds by the Authority must be approved by the City because the Project is located within the territorial limits of the City; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code; and

WHEREAS, the Borrower has requested the issuance of the Bonds in order to effect savings in interest rate and/or issuance costs to effect significant public benefits pursuant to the Act; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” for purposes of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of the governmental unit on whose behalf the Bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by the Bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, reasonable public notice must include a description of all of the purposes of the Bonds, including the use of proceeds outside the jurisdiction of the City, and the resolution evidencing approval of the “applicable elected representative” must also describe all the purposes of the Bonds, but the approval of the City shall not constitute approval on behalf of any other jurisdiction with respect to the Bonds, which will consider the issuance of the Bonds independently of the City; and

WHEREAS, the members of the City Council are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on March 19, 2024; and

WHEREAS, this resolution was brought before the City Council during a public hearing conducted by the City on March 19, 2024, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds and the Project required by Section 147(f) of the Code, as applicable, and Section 4 of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority and the Project to be financed thereby. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds pursuant to a plan of financing by the Authority, for the purposes of (a) 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 (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to: (i) provide any financing to acquire or construct 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 acquisition, construction, installation or operation of the Project; or (iii) make any contribution or advance any funds whatsoever to the Borrower or the Authority. The City shall not have any liability or responsibility for the issuance of the Bonds or payment of principal or interest on the Bonds, the Bonds shall not constitute an obligation or indebtedness of the City and the assets and revenues of the City are not being pledged as security for the payment of principal or interest on the Bonds.

Section 5. Borrower shall issue payment to the City in the amount of \$3,500 as reimbursement for the costs associated with the public hearing and related actions authorized by this resolution.

Section 6. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and 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 7. This resolution shall take effect immediately upon its adoption.

Presented by

Approved as to form by

Stacey Kurz
Director of Housing and Homeless Services

Jill D.S. Maland
Lounsbury Ferguson Altona & Peak
Acting City Attorney