



CSCDA
CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY



TABLE OF CONTENTS **April 7, 2022**

CSCDA

*****	Agenda	Page	3
Item 2	Minutes	Page	8
Item 3	Consent Calendar	Page	12
Item 5a	Royal Oak Village	Page	15
Item 5b	2 nd & B Street Apartments	Page	22
Item 6	SCIP 2022A	Page	28
Item 7	Point Martin CFD	Page	33
Item 8	Delta Coves CFD	Page	36
Item 9	Sheldon Farms CFD	Page	40
Item 10	Treasure Islands IRFD	Page	42
Item 11	North Bridge PACE Capital Provider	Page	44

CSCDA CIA

*****	Agenda	Page	46
Item 2	Minutes	Page	48
Item 3	Consent Calendar	Page	50

CSCDC

*****	Agenda	Page	52
Item 2	Minutes	Page	54
Item 3	Consent Calendar	Page	56



CSCDA
CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY



California State Association of Counties



REGULAR MEETING AGENDA

April 7, 2022 at 2:00 pm

Pursuant to Government Code Section 54953(e) (Assembly Bill 361), Commissioners of the California Statewide Communities Development Authority or staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public may participate in the meeting telephonically. Members of the public may observe and offer comment at this meeting telephonically by dialing 669-900-9128, Meeting ID 259-798-2423, Passcode 129070. If you experience technical problems with the telephonic meeting, please contact info@cscda.org or 1-800-531-7476 for assistance. If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act ("ADA") please contact info@cscda.org or 1-800-531-7476 prior to the meeting for assistance.

A. OPENING AND PROCEDURAL ITEMS

1. Roll Call.

_____ Tim Snellings, Chair	_____ Marcia Raines, Member
_____ Brian Moura, Vice Chair	_____ Brian Stiger, Member
_____ Kevin O'Rourke, Secretary	_____ Niroop Srivatsa, Alt. Member
_____ Jordan Kaufman, Treasurer	_____ Jim Erb, Alt. Member
_____ Dan Mierzwa, Member	

2. Consideration of the minutes of the March 17, 2022 Regular Meeting.

3. Consent Calendar.

4. Public Comment.

B. ITEMS FOR CONSIDERATION AND ACTION

5. Consideration of the issuance of revenue bonds or other obligations to finance or refinance the following projects, the execution and delivery of related documents, and other related actions:

- a. A0702 Morgan Hill, L.P. (Royal Oak Village Apartments), City of Morgan Hill, County of Santa Clara; issue up to \$40,000,000 in multi-family housing revenue bonds.
- b. 2nd & B LP (2nd & B Street Apartments), City of Oxnard, County of Orange; issue up to \$25,000,000 in multi-family housing revenue bonds.

6. Statewide Community Infrastructure Program (SCIP) 2022A:
 - a. Conduct proceedings with respect to the Statewide Community Infrastructure Program (“SCIP”) for certain Assessment Districts (collectively, the “Assessment Districts”) for multiple development projects:
 1. Open consolidated Assessment District public hearing.
 2. Close consolidated Assessment District public hearing.
 - b. Conduct following actions with respect to the SCIP Assessment Districts:
 1. Open assessment ballots of landowners within the Assessment Districts and announce results.
 2. Consideration of resolution approving final engineer’s reports, levying assessments, ordering the financing of specified development impact fees and capital improvements, confirming the amount of unpaid assessments and directing related actions in relation to the Assessment Districts.
 - c. Conduct following actions with respect to issuance of SCIP Local Obligations and Revenue Bonds:
 1. Consideration of resolution providing for the issuance of SCIP limited obligation improvement bonds each in one or more series and approving the form and substance of a trust agreement and authorizing related actions.
 2. Consideration of resolution authorizing the issuance, sale and delivery of not to exceed \$24 million of SCIP Revenue Bonds, Series 2022A and approving the forms of a trust agreement, a bond purchase agreement, a continuing disclosure certificate, an official statement, and authorizing certain other actions in connection therewith.
7. Community Facilities District No. 2022-02 (Point Martin) (“CFD No. 2022-02”)
 - a. Conduct public hearing continued from March 17, 2022 (hearing to be held at 2:00 p.m. or shortly thereafter):
 1. Open continued CFD No. 2022-02 Public Hearing.
 2. Close CFD No. 2022-02 Public Hearing.
 - b. Consideration of the following resolutions with respect to formation of CFD No. 2022-02:
 1. Resolution of formation establishing CFD No. 2022-02 providing for the levy of a special tax to finance certain public improvements and certain development impact fees.

2. Resolution deeming it necessary to incur bonded indebtedness to finance certain public improvements and certain development impact fees to mitigate the impacts of development within CFD No. 2022-02.

3. Resolution calling special mailed-ballot election within CFD No. 2022-02.

c. Conduct special election within CFD No. 2022-02.

d. Consider resolution declaring results of special mailed-ballot election within CFD No. 2022-02.

e. Conduct first reading of “Ordinance Levying a Special Tax for Fiscal Year 2022-2023 and Following Fiscal Years Solely Within and Relating to California Statewide Communities Development Authority Community Facilities District No. 2022-02 (Point Martin), City of Daly City, County of San Mateo, State of California.”

8. Community Facilities District No. 2016-02 (Delta Coves):

a. Consideration of a resolution approving the issuance of the California Statewide Communities Development Authority Community Facilities District No. 2016-02 (Delta Coves) Special Tax Bonds, Series 2022, in an aggregate principal amount not to exceed \$24,000,000; authorizing the execution and delivery of a third supplemental indenture providing for the issuance of such bonds; approving a bond purchase contract providing for the sale of such bonds; approving an official statement; approving a continuing disclosure certificate; authorizing the sale of such bonds; and authorizing related actions and the execution of related documents in connection with the issuance, sale and delivery of such bonds.

9. Consideration of the following resolutions with respect to Community Facilities District No. 2022-03 (Sheldon Farms), City of Elk Grove, County of Sacramento, State of California (“CFD No. 2022-03”)

a. Resolution approving joint community facilities agreements and declaring intention to establish CFD No. 2022-03, and to levy special taxes therein to finance certain public improvements and to identify territory proposed for annexation to the community facilities district in the future.

b. Resolution to incur bonded indebtedness to finance certain public improvements and certain development impact fees within CFD No. 2022-03 and territory proposed for annexation to the community facilities district in the future and calling for a public hearing.

10. Consideration of a resolution approving and directing execution and delivery of bond purchase agreements related to bonds issued by the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island).

11. Consideration of North Bridge as a CSCDA Commercial PACE Capital Provider.

C. STAFF ANNOUNCEMENTS, REPORTS ON ACTIVITIES OR REQUESTS

12. Executive Director Update.
13. Staff Updates.
14. Adjourn.

NEXT MEETING: Thursday, April 21, 2022 at 2:00 p.m.

CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY

CONSENT CALENDAR

1. Reconsider the circumstances of the COVID-19 state of emergency and make findings in connection therewith to authorize meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).
2. Consideration of special tax consultant services agreement with Goodwin Consulting relating to Somo Village Community Facilities District, City of Rohnert Park, County of Sonoma.
3. Consideration of updated PACE documents related to Fortifi.
4. Consideration of a resolution approving and authorizing the execution of the first amendment to acquisition agreement relating to the California Statewide Communities Development Authority Community Facilities District No. 2021-02 (Citro), County of San Diego, State of California, by and among the California Statewide Communities Development Authority, the Rainbow Municipal Water District and Tri Pointe Homes IE-SD, Inc.

April 7, 2022



MINUTES

REGULAR MEETING OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY

March 17, 2022 at 2:00 pm

Commission Chair Tim Snellings called the meeting to order at 2:00 pm.

1. Roll Call.

Commission members participating via teleconference: Tim Snellings, Brian Moura, Jordan Kaufman, Dan Mierzwa, Marcia Raines, Brian Stiger, Niroop Srivatsa, and Jim Erb.

Others participating via teleconference: Cathy Barna, CSCDA Executive Director; James Hamill, Bridge Strategic Partners; Jon Penkower, Bridge Strategic Partners; Sendy Young, CSAC Finance Corporation; Norman Coppinger, League of California Cities; Trisha Ortiz, Richards Watson & Gershon; and Chase Broffman, CSAC Finance Corporation.

2. Consideration of the Minutes of the March 3, 2022 Meeting.

The Commission approved the March 3, 2022 Regular Meeting minutes.

Motion to approve by B. Moura. Second by M. Raines. Unanimously approved by roll-call vote.

3. Consideration of the Consent Calendar.

The Commission approved the Consent Calendar.

1. Consideration of a resolution approving the annual fee subordination associated with sale of the St. Anton multifamily housing portfolio.

This item will be continued to April 7, 2022.

4. Public Comment.

There was no public comment.

5. Community Facilities District No. 2022-02 (Point Martin) ("CFD No. 2022-02")

- a. Conduct public hearing (hearing to be held at 2 p.m. or shortly thereafter):
 - a. Open CFD No. 2022-02 Public Hearing.
 - b. Close CFD No. 2022-02 Public Hearing.
- b. Consideration of the following resolutions with respect to formation of CFD No. 2022-02:
 - a. Resolution of formation establishing CFD No. 2022-02 providing for the levy of a special tax to finance certain public improvements and certain development impact fees.
 - b. Resolution deeming it necessary to incur bonded indebtedness to finance certain public improvements and development impact fees to mitigate the impacts of development within CFD No. 2022-02.
 - c. Resolution calling special mailed-ballot election within CFD No. 2022-02.
- c. Conduct special election within CFD No. 2022-02.
- d. Consider resolution declaring result of special mailed-ballot election within CFD No. 2022-02.
- e. Conduct first reading of “Ordinance Levying a Special Tax for Fiscal Year 2022-2023 and Following Fiscal Years Solely Within and Relating to California Statewide Communities Development Authority Community Facilities District No. 2022-02 (Point Martin), City of Daly City, County of San Mateo, State of California”.

Motion to open and continue the public meeting on April 7, 2022 by M. Raines. Second by D. Mierzwa. Unanimously approved by roll-call vote.

6. Change Proceedings and Related Matters for California Statewide Communities Development Authority Community Facilities District No. 2016-01 (Napa Pipe), County of Napa, State of California (“CFD No. 2016-01”)
 - a. Conduct public hearing (hearing to be held at 2 p.m. or shortly thereafter).

Commission Chair Tim Snellings opened the public hearing with respect to the Community Facilities District No. 2016-01 There were no oral or written comments from the public. The hearing was closed.

Motion to close hearing by N. Srivatsa. Second by J. Kaufman. Unanimously approved by roll-call vote.

- b. Consideration of resolution calling special mailed-ballot election within CFD No. 2016-01.

All ballots have been cast in favor, and no ballots have been cast opposed. The assessment districts are being formed for the purpose of financing certain improvements

and/or development impact fees.

Motion to approve by B. Stiger. Second by D. Mierzwa. Unanimously approved by roll-call vote.

- c. Conduct special election within CFD No. 2016-01.
- d. Consider resolution of change amending the appropriations limit and the authorization to incur bonded indebtedness for CFD No. 2016-01.

Motion to approve by D. Mierzwa. Second by N. Srivatsa. Unanimously approved by roll-call vote.

- e. Consideration of resolution approving and authorizing the execution of the first supplemental indenture relating to the CFD No. 2016-01 Special Tax Bonds, Series 2017A (Federally Taxable).

Motion to approve by B. Moura. Second by M. Raines. Unanimously approved by roll-call vote.

- 7. Consideration of the issuance of commercial PACE bonds to finance energy efficiency improvements, water conservation improvements, seismic retrofit and safety improvements not-to-exceed \$3,000,000 for Frey Vineyards, unincorporated County of Mendocino.

Executive Director Barna reported that Frey Vineyards is seeking PACE financing to finance retroactive costs and improvements associated with a wine vineyard on 40.90 acres with an approximate 43,527 square foot winery/warehouse facility. The financing will be taxable and be funded through the PACE. CSCDA's Executive Director recommended that the Commission adopt the resolution.

Motion to approve by J. Kaufman. Second by N. Srivatsa. Unanimously approved by roll-call vote

- 8. Consideration of scholarship award for the Local Government Summer Institute at Stanford for Jessica Deakyne, Scheereen Dedman and Louie Lacasella.

Executive Director Barna reported that CSCDA Commission approved providing \$24,000 in support for the 2022 LGSI Scholarship fund. CSCDA has received three applications from the following individuals:

- 1. Jessica Deakyne – City of Novato
- 2. Louie Lacasella – City of Murrieta
- 3. Scheereen Dedman – County of Mono

CSCDA's Executive Director recommends approval of scholarships for Jessica Deakyne, Louie Lacasella and Scheereen Dedman.

Motion to approve by B. Moura. Second by M. Raines. Unanimously approved by roll-call vote.

9. Executive Director Update.

Executive Director Barna and the Commission welcomed new Commission Member Jim Erb.

10. Staff Update.

Staff had no update.

11. Adjourn.

The meeting was adjourned at 2:15 p.m.

Submitted by: Sendy Young, CSAC Finance Corporation

NEXT MEETING: Thursday, April 7, 2022 at 2:00 p.m.



CSCDA
CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY

Agenda Item No. 3

Agenda Report

DATE: April 7, 2022
TO: CSCDA COMMISSIONERS
FROM: Cathy Barna, Executive Director
PURPOSE: Consent Calendar

- 1. Reconsider the circumstances of the COVID-19 state of emergency and make findings in connection therewith to authorize meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).**

BACKGROUND AND SUMMARY:

This item is being presented in order to allow CSCDA's Commission and other legislative bodies to meet virtually pursuant to Assembly Bill ("AB") 361. These special provisions in the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963) give local public agencies greater flexibility to conduct teleconference meetings when there is a declared state of emergency and either social distancing is mandated or recommended, or when the legislative body determines in-person meetings would present imminent risks to the health and safety of attendees.

On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in California due to the spread of COVID-19. The Governor subsequently issued numerous executive orders suspending or modifying state laws to facilitate the response to the emergency. Among other things, these executive orders superseded certain Brown Act requirements and established special rules to give local public agencies greater flexibility to conduct teleconference meetings, including authorizing legislative bodies to participate in meetings from remote locations without compliance with certain noticing requirements.

On September 16, 2021, in anticipation of the then-imminent expiration of his special rules for teleconference meetings, the Governor signed AB 361 to amend Section 54953 of the Brown Act. Pursuant to Government Code Section 54953(e), legislative bodies of local agencies may hold public meetings via teleconferencing without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

CSCDA previously determined that as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees and has been conducting its meetings via teleconferencing under Government Code Section 54953(e).

To continue meeting remotely pursuant to Government Code Section 54953(e), an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body's members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing.

The factual circumstances exist for CSCDA to continue holding remote meetings under AB 361. The proclaimed state of emergency in response to the COVID-19 pandemic, which Governor Newsom declared on March 4, 2020, continues to exist. Also, the U.S. Centers for Disease Control and Prevention ("CDC") continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time. COVID-19 can cause severe illness and hundreds of thousands of people have died from COVID-19 in the United States. The CDC advise that even for fully vaccinated people, breakthrough infections are likely to occur. The CDC continue to advise people to avoid crowded indoor places, which put people at higher risk for COVID-19 infection. Therefore, holding meetings via teleconferencing pursuant to Government Code Section 54953(e) will reduce the likelihood of exposure to COVID-19.

RECOMMENDATION:

To continue conducting open and public meetings via teleconferencing in accordance with Government Code Section 54953(e) of the Brown Act, the Commission finds that it has reconsidered the circumstances of the COVID-19 state of emergency and that the state of emergency continues to directly impact the ability of its members to meet safely in person, and the Commission directs staff to take all actions necessary to allow the legislative bodies of CSCDA to conduct meetings via teleconferencing during the emergency.

2. Consideration of special tax consultant services agreement with Goodwin Consulting relating to Somo Village Community Facilities District, City of Rohnert Park, County of Sonoma.

The City of Rohnert Park has requested CSCDA to engage Goodwin Consulting as the special tax consultant for an upcoming CFD for Somo Village. The agreement for approval was drafted by CSCDA's General Counsel and approved by Goodwin Consulting. Recommend approval.

3. **Consideration of updated PACE documents related to Fortifi.**

Fortifi has amended its form assessment contract to include sign-off by a property owner after a financing agreement is executed if changes are made to the improvements or costs that were originally contracted. PACE Counsel, Stradling, has reviewed the form documents. Recommend approval.

4. **Consideration of a resolution approving and authorizing the execution of the first amendment to acquisition agreement relating to the California Statewide Communities Development Authority Community Facilities District No. 2021-02 (Citro), County of San Diego, State of California, by and among the California Statewide Communities Development Authority, the Rainbow Municipal Water District and Tri Pointe Homes IE-SD, Inc.**

In connection with the formation of CFD No. 2021-02 (Citro) (the “CFD”), CSCDA, the Rainbow Municipal Water District (the “District”) and Tri Pointe Homes IE-SD, Inc. (the “Developer”) entered into an Acquisition Agreement, which listed the specific public improvements and development impact fees intended to be financed by the CFD’s special taxes and bonds. The District and the Developer have refined the list of facilities needed to serve development within the CFD and have requested an amendment to the list of the improvements and fees included in the Acquisition Agreement. Specifically, the District and the Developer now seek to amend the Acquisition Agreement to include an additional pressure reducing station within the list of the onsite water distribution facilities to be financed. Recommend approval.

Documents: https://www.dropbox.com/sh/mddlr4pmtbnyfoy/AAAmtxbdO4VC_ZtNK6pTmaPVa?dl=0



Agenda Item No. 5a

Agenda Report

DATE: April 7, 2022

TO: CSCDA COMMISSIONERS

FROM: Cathy Barna, Executive Director

PROJECT: Royal Oak Village Apartments

PURPOSE: Approve the Financing of Rental Affordable Housing Project Located in the City of Morgan Hill, County of Santa Clara

AMOUNT: Not to Exceed \$40,000,000

EXECUTIVE SUMMARY:

Royal Oak Village Apartments (the “Project”) is the new construction of a 73-unit rental housing project located in the City of Morgan Hill. 100% of the units will be rent restricted for very-low and low-income tenants.

PROJECT DESCRIPTION:

- Construction of a 73-unit affordable rental housing facility located at 15440 Monterey Road in the City of Morgan Hill.
- Three residential buildings located on a 3.7-acre site.
- Consists of six one-bedroom units, 37 two-bedroom units, 29 three-bedroom units and one manager’s unit.
- Property includes laundry facilities, picnic area, playground and a community center.

PROJECT ANALYSIS:

Background on Applicant:

Urban Housing Communities (UHC) is a family-owned, mission-driven company dedicated to developing affordable, sustainable housing that benefits communities and stakeholders. UHC communities offer seniors and families earning 60% or less than area median income, attractive, safe, healthy, vital places to live in California. UHC’s on-site social services ensure their residents’ basic needs are met: health, education, and financial stability. Then UHC programming goes beyond the basics, tailoring services to a resident’s specific needs. UHC has established strong relationships with local vendors, jurisdictional departments, state organizations, and political leadership throughout California. The Project is UHC’s 10th financing with CSCDA.

Public Agency Approval:

TEFRA Hearing: February 16, 2022 – City of Morgan Hill

CDLAC Approval: December 8, 2021

Public Benefits:

- 100% of the units will be rent restricted for 55 years.
 - 67% (48 units) restricted to 30% or less of area median income households.
 - 30% (22 units) restricted to 50% or less of area median income households.
 - 3% (2 units) restricted to 60% or less of area median income households.
 - One Manager's unit.

Sources and Uses:

Sources of Funds:

Tax-Exempt Bonds:	\$ 26,000,000
Taxable Bonds:	\$ 4,900,000
Tax Credit Equity:	\$ 4,688,916
Santa Clara County Loan:	\$ 9,891,000
City of Morgan Hill Loan:	\$ 400,000
Deferred Reserve:	\$ 336,000
Deferred Developer Fee:	\$ 3,213,416
Total Sources:	\$ 49,429,332

Uses of Funds:

Acquisition:	\$ 7,049,713
Construction Costs:	\$ 27,718,217
Architecture & Engineering:	\$ 1,160,700
Capitalized Interest:	\$ 3,794,517
Operating Reserve	\$ 336,000
Developer Fee:	\$ 4,000,000
Costs of Issuance:	\$ 345,000
Soft Costs:	\$ 5,025,185
Total Uses:	\$ 49,429,332

Finance Partners:

Bond Counsel: Orrick, Herrington & Sutcliffe, LLP, San Francisco

Authority Counsel: Orrick, Herrington & Sutcliffe, LLP, Sacramento

Private Placement Purchaser: Citibank

Finance Terms:

Rating:	Unrated
Term:	35 years
Method of Sale:	Private Placement
Estimated Closing:	April 30, 2022

CSCDA Policy Compliance:

The financing of the Project complies with CSCDA's general and issuance policies for unrated debt.

DOCUMENTS: (as attachments)

1. CSCDA Resolution (Attachment A)

COMMISSION ACTION RECOMMENDED BY THE EXECUTIVE DIRECTOR:

CSCDA's Executive Director recommends that the Commission adopt the resolution, which:

1. Approves the issuance of the Bonds and the financing of the Project;
2. Approves all necessary actions and documents in connection with the financing;
and
3. Authorizes any member of the Commission or Authorized Signatory to sign all necessary documents.

ATTACHMENT A

RESOLUTION NO. 22H-__

A RESOLUTION OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY AUTHORIZING THE EXECUTION AND DELIVERY OF MULTIFAMILY HOUSING REVENUE NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$40,000,000 FOR THE FINANCING OF A MULTIFAMILY RENTAL HOUSING DEVELOPMENT TO BE GENERALLY KNOWN AS ROYAL OAK VILLAGE; DETERMINING AND PRESCRIBING CERTAIN MATTERS AND APPROVING AND AUTHORIZING THE EXECUTION OF AND DELIVERY OF VARIOUS DOCUMENTS RELATED THERETO; RATIFYING ANY ACTION HERETOFORE TAKEN AND APPROVING RELATED MATTERS IN CONNECTION WITH THE NOTES.

WHEREAS, the California Statewide Communities Development Authority (the “Authority”) is authorized by the Joint Powers Act, commencing with Section 6500 of the California Government Code (the “JPA Law”), and its Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988, as the same may be amended (the “Agreement”), to issue revenue bonds and execute and deliver revenue notes for the purpose of financing, among other things, the acquisition, construction, rehabilitation, and development of multifamily rental housing projects in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code (the “Housing Law”);

WHEREAS, A0702 Morgan Hill, L.P., a California limited partnership, and entities related thereto (collectively, the “Borrower”), has requested that the Authority execute and deliver its Multifamily Housing Revenue Note (Royal Oak Village) 2022 Series F-1 and its Multifamily Housing Revenue Taxable Note (Royal Oak Village) 2022 Series F-2 (collectively, the “Notes”) to assist in the financing of the acquisition, construction and development of a 73-unit (including one manager’s unit) multifamily housing rental development located in the City of Morgan Hill, California, and known or to be known as Royal Oak Village (the “Project”);

WHEREAS, on December 8, 2021, the Authority received an allocation in the amount of \$26,000,000 (the “Allocation Amount”) from the California Debt Limit Allocation Committee (“CDLAC”) in connection with the Project;

WHEREAS, the City of Morgan Hill (the “City”) is a Program Participant (as defined in the Agreement) of the Authority and has authorized the execution and delivery of the Notes;

WHEREAS, the Authority is willing to execute and deliver the Notes in an aggregate principal amount not to exceed \$40,000,000, provided that the portion of such Notes executed and delivered as federally tax-exempt obligations shall not exceed the Allocation Amount, and to loan the proceeds thereof to the Borrower to assist in providing financing for the Project, which will allow the Borrower to reduce the cost of the Project and to assist in providing housing for low and moderate income persons;

WHEREAS, pursuant to Section 5852.1 of the California Government Code, the Authority, as a conduit financing provider, has received certain representations and good faith estimates from the Borrower and has disclosed such good faith estimates as set forth in Exhibit A attached hereto;

WHEREAS, the Notes will be executed and delivered to Citibank, N.A. (the "Funding Lender"), as the initial holder of the Notes; and

WHEREAS, there have been prepared and made available to the members of the Commission of the Authority (the "Commission") the following documents required for the execution and delivery of the Notes, and such documents are now in substantial form and appropriate instruments to be executed and delivered for the purposes intended:

(1) Funding Loan Agreement (the "Funding Loan Agreement") to be entered into between the Funding Lender and the Authority;

(2) Borrower Loan Agreement (the "Borrower Loan Agreement") to be entered into between the Authority and the Borrower;

(3) Regulatory Agreement and Declaration of Restrictive Covenants (the "Regulatory Agreement"), to be entered into between the Authority and the Borrower; and

(4) Contingency Draw-Down Agreement (the "Contingency-Draw-Down Agreement") to be entered into by the Funding Lender and the Borrower.

NOW, THEREFORE, BE IT RESOLVED by the members of the Commission, as follows:

Section 1. The recitals set forth above are true and correct, and the members of the Commission hereby find them to be so.

Section 2. Pursuant to the JPA Law and the Funding Loan Agreement, and in accordance with the Housing Law, the Authority is hereby authorized to execute and deliver the Notes in one or more series. The Notes shall be designated as "California Statewide Communities Development Authority Multifamily Housing Revenue Note (Royal Oak Village) 2022 Series F-1" and "California Statewide Communities Development Authority Multifamily Housing Revenue Taxable Note (Royal Oak Village) 2022 Series F-2" including, if and to the extent necessary, one or more sub-series, with appropriate modifications and series and sub-series designations as necessary, in an aggregate principal amount not to exceed \$40,000,000; provided that the aggregate principal amount of any federally tax-exempt Note executed and delivered shall not exceed the Allocation Amount. The Notes shall be executed and delivered in the form set forth in and otherwise in accordance with the Funding Loan Agreement, and shall be executed on behalf of the Authority by the manual or facsimile signature of the Chair of the Authority or the manual signature of any Authorized Signatory (as defined below), and, if appropriate, attested by the facsimile signature of the Secretary of the Authority or the Assistant to the Secretary of the Authority, or the manual signature of any Authorized Signatory. The Notes shall be secured in accordance with the terms of the Funding Loan Agreement presented to this meeting, as hereinafter approved. Payment of the principal and purchase price of, and prepayment premium, if any, and interest on, the Notes

shall be made solely from amounts pledged thereto under the Funding Loan Agreement, and the Notes shall not be deemed to constitute a debt or liability of the Authority or any Program Participant or Member of the Commission of the Authority (each, a "Member").

Section 3. The Funding Loan Agreement in the form presented at this meeting is hereby approved. Any Member, or any other person as may be designated and authorized to sign for the Authority pursuant to a resolution adopted thereby (including, without limitation, the administrative delegates duly authorized pursuant to Resolution No. 20R-1 of the Authority, adopted on January 23, 2020) (together with the Members, each such person is referred to herein individually as an "Authorized Signatory"), acting alone, is authorized to execute by manual signature and deliver the Funding Loan Agreement, with such changes and insertions therein as may be necessary to cause the same to carry out the intent of this Resolution and as are approved by counsel to the Authority, such approval to be conclusively evidenced by the delivery thereof. The date, maturity date or dates (which shall not extend beyond 45 years from the date of execution and delivery thereof), interest rate or rates (which shall not exceed 12%), interest payment dates, denominations, form, registration privileges, manner of execution, place of payment, terms of prepayment and other terms of the Notes shall be as provided in the Funding Loan Agreement as finally executed.

Section 4. The Borrower Loan Agreement in the form presented at this meeting is hereby approved. Any Authorized Signatory, acting alone, is authorized to execute by manual signature and deliver the Borrower Loan Agreement, with such changes and insertions therein as may be necessary to cause the same to carry out the intent of this Resolution and as are approved by counsel to the Authority, such approval to be conclusively evidenced by the delivery thereof.

Section 5. The Regulatory Agreement in the form presented at this meeting is hereby approved. Any Authorized Signatory, acting alone, is authorized to execute by manual signature and deliver the Regulatory Agreement, with such changes and insertions therein as may be necessary to cause the same to carry out the intent of this Resolution and as are approved by counsel to the Authority, such approval to be conclusively evidenced by the delivery thereof.

Section 6. The Contingency Draw-Down Agreement in the form presented at this meeting is hereby approved.

Section 7. The Authority is hereby authorized to execute and deliver the Notes to the Funding Lender pursuant to the terms and conditions of the Funding Loan Agreement.

Section 8. All actions heretofore taken by the officers and agents of the Authority with respect to the financing of the Project and the execution and delivery of the Notes are hereby approved, ratified and confirmed, and any Authorized Signatory, acting alone, is hereby authorized and directed, for and in the name and on behalf of the Authority, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents, including but not limited to a tax certificate, contingency draw-down agreement, loan related documents, an assignment of deed of trust, any endorsement, allonge or assignment of any note and such other documents as described in the Funding Loan Agreement and the other documents herein approved, and any documents or amendments which may be necessary to terminate any prior documents or instruments, which they, or any of them, may deem necessary or

advisable in order to consummate the lawful execution and delivery of the Notes and to effectuate the purposes thereof and of the documents herein approved in accordance with this resolution and resolutions heretofore adopted by the Authority and otherwise in order to carry out the financing of the Project.

Section 9. All consents, approvals, notices, orders, requests and other actions permitted or required by any of the documents authorized by this Resolution, whether before or after the execution and delivery of the Notes, including without limitation any of the foregoing that may be necessary or desirable in connection with any default under or amendment of such documents, any transfer or other disposition of the Project, any addition or substitution of security for the Notes or any prepayment of the Notes, may be given or taken by any Authorized Signatory, as appropriate, without further authorization by the Commission, and each such officer is hereby authorized and directed to give any such consent, approval, notice, order or request and to take any such action that such officer may deem necessary or desirable to further the purposes of this Resolution and the financing of the Project; provided such action shall not create any obligation or liability of the Authority other than as provided in the Funding Loan Agreement and other documents approved herein.

This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the California Statewide Communities Development Authority this April 7, 2022.

The undersigned, an Authorized Signatory of the California Statewide Communities Development Authority, DOES HEREBY CERTIFY that the foregoing resolution was duly adopted by the Commission of the Authority at a duly called meeting of the Commission of the Authority held in accordance with law on April 7, 2022.

By _____
Authorized Signatory



Agenda Item No. 5b

Agenda Report

DATE: April 7, 2022

TO: CSCDA COMMISSIONERS

FROM: Cathy Barna, Executive Director

PROJECT: 2nd & B Street Apartments

PURPOSE: Approve the Financing of Rental Affordable Housing Project Located in the City of Oxnard, County of Ventura

AMOUNT: Not to Exceed \$25,000,000

EXECUTIVE SUMMARY:

2nd & B Street Apartments (the “Project”) is the new construction of a 56-unit rental housing project located in the City of Oxnard. 100% of the units will be rent restricted for extremely low-income tenants.

PROJECT DESCRIPTION:

- Construction of a 56-unit affordable rental housing facility located at 241 West 2nd Street in the City of Oxnard.
- One five-story building located on a 0.48-acre site.
- Consists of 43 one-bedroom units, 12 two-bedroom units, and one manager’s unit.
- Property includes an outdoor kitchen, community room, computer area, large gathering spaces, and offices for supportive services.

PROJECT ANALYSIS:

Background on Applicant:

Community Development Partners (CDP) develops and operates sustainable, life-enhancing affordable housing with a focus on long term community engagement. CDP is a leader of transformative change – responsible for creating life-enhancing affordable development projects that adhere to strict standards of environmentally, socially and economically responsible buildings and communities. CDP’s mission is to repair and strengthen the fabric of cities and towns by meeting the housing needs of local citizens through the thoughtful planning and development of affordable communities. CDP is dedicated to providing the highest quality life-enhancing housing for qualifying low-income residents. Founded in 2012, CDP’s multi-disciplinary team is comprised

of real estate development experts who contribute diverse backgrounds in both affordable and market-rate development. Its goal is to weave a sense of community into each of the projects completed. The Project is CDP's ninth financing with CSCDA.

Public Agency Approval:

TEFRA Hearing: The TEFRA hearing is scheduled for April 5, 2022 at the City of Oxnard and staff will update the Commission during the CSCDA meeting.

CDLAC Approval: December 8, 2021

Public Benefits:

- 100% of the units will be rent restricted to extremely low-income individuals & those experiencing homelessness for 55 years.
 - 100% (55 units) restricted to 30% or less of area median income households.
 - One Manager's unit.

Sources and Uses:

Sources of Funds:

Tax-Exempt Bonds:	\$ 19,110,034
Taxable Bonds:	\$ 3,389,966
Tax Credit Equity:	\$ 5,391,164
Deferred Ground Lease Rent:	\$ 5,444,901
City of Oxnard Loan:	\$ 1,500,000
Deferred Reserve:	\$ 524,697
Deferred Developer Fee:	<u>\$ 2,595,573</u>
Total Sources:	\$ 37,956,335

Uses of Funds:

Acquisition:	\$ 5,444,901
Construction Costs:	\$ 22,433,060
Architecture & Engineering:	\$ 778,000
Capitalized Interest:	\$ 2,090,938
Operating Reserve	\$ 524,697
Developer Fee:	\$ 3,821,819
Costs of Issuance:	\$ 205,000
Soft Costs:	<u>\$ 2,657,920</u>
Total Uses:	\$ 37,956,335

Finance Partners:

Bond Counsel: Orrick, Herrington & Sutcliffe, LLP, San Francisco

Authority Counsel: Orrick, Herrington & Sutcliffe, LLP, Sacramento

Private Placement Purchaser: Citibank

Finance Terms:

Rating:	Unrated
Term:	35 years
Method of Sale:	Private Placement
Estimated Closing:	April 30, 2022

CSCDA Policy Compliance:

The financing of the Project complies with CSCDA's general and issuance policies for unrated debt.

DOCUMENTS: (as attachments)

1. CSCDA Resolution (Attachment A)

COMMISSION ACTION RECOMMENDED BY THE EXECUTIVE DIRECTOR:

CSCDA's Executive Director recommends that the Commission adopt the resolution, which:

1. Approves the issuance of the Bonds and the financing of the Project;
2. Approves all necessary actions and documents in connection with the financing;
and
3. Authorizes any member of the Commission or Authorized Signatory to sign all necessary documents.

ATTACHMENT A

PUBLIC DISCLOSURES RELATING TO CONDUIT REVENUE OBLIGATIONS

Pursuant to California Government Code Section 5852.1, the borrower (the “Borrower”) identified below has provided the following required information to the California Statewide Communities Development Authority (the “Authority”) as conduit financing provider, prior to the Authority’s regular meeting (the “Meeting”) of its Commission (the “Commission”) at which Meeting the Commission will consider the authorization of conduit revenue obligations (the “Obligations”) as identified below.

1. Name of Borrower: **2nd & B LP**
2. Authority Meeting Date: **April 7, 2022**
3. Name of Obligations: **2nd & B Apartments**
4. X Private Placement Lender or Bond Purchaser, Underwriter or Financial Advisor (mark one) engaged by the Borrower provided the Borrower with the required good faith estimates relating to the Obligations [as follows / attached as Schedule A]:
 - [(A)] The true interest cost of the Obligations, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for Obligations (to the nearest ten-thousandth of one percent): **3.67%**.
 - [(B)] The finance charge of the Obligations, which means the sum of all fees and charges paid to third parties: **\$429,824.01**.
 - [(C)] The amount of proceeds received by the public body for sale of the Obligations less the finance charge of the Obligations described in subparagraph (B) and any reserves or capitalized interest paid or funded with proceeds of the Obligations: **\$18,680,175.99**.
 - [(D)] The total payment amount, which means the sum total of all payments the Borrower will make to pay debt service on the Obligations plus the finance charge of the Obligations described in subparagraph (B) not paid with the proceeds of the Obligations (which total payment amount shall be calculated to the final maturity of the Obligations): **\$26,622,861.07]**
5. The good faith estimates [provided above / attached as Schedule A] were presented to the governing board of the Borrower, or presented to the official or officials or committee designated by the governing board of the Borrower to obligate the Borrower in connection with the Obligations or, in the absence of a

governing board, ____ presented to the official or officials of the Borrower having authority to obligate the Borrower in connection with the Obligations (mark one).

The foregoing estimates constitute good faith estimates only. The actual principal amount of the Obligations issued and sold, the true interest cost thereof, the finance charges thereof, the amount of proceeds received therefrom and total payment amount with respect thereto may differ from such good faith estimates due to a variety of factors. The actual interest rates borne by the Obligations and the actual amortization of the Obligations will depend on market interest rates at the time of sale thereof. Market interest rates are affected by economic and other factors beyond the control of the Borrower.

The Authority is authorized to make this document available to the public at the Meeting of the Authority.

Dated: April 1, 2022

Agenda Item No. 6

Agenda Report

DATE: April 7, 2022

TO: CSCDA COMMISSIONERS

FROM: Cathy Barna, Executive Director

PURPOSE:

1. Conduct proceedings with respect to SCIP 2022A (hearing to be held at 2:00 p.m. or shortly thereafter)
2. Consideration of resolutions with respect to SCIP 2022A

BACKGROUND AND SUMMARY:

On February 7, 2022 the Commission approved the resolution of intention for certain SCIP assessments and set the public hearing for today for the formation of the assessment districts as outlined below. SCIP 2022A will consist of fifteen projects. A portion of the issuance will be taxable due to the City of San Marcos' inability to spend bond proceeds within 3 years as required by federal tax law for tax-exempt bonds.

The Commission is being asked today to:

1. Conduct proceedings with respect to the Statewide Community Infrastructure Program ("SCIP") for certain Assessment Districts (collectively, the "Assessment Districts") for multiple development projects:
 - a. Open consolidated Assessment District public hearing.
 - b. Close consolidated Assessment District public hearing.
2. Conduct following actions with respect to the SCIP Assessment Districts:
 - a. Open assessment ballots of landowners within the Assessment Districts and announce results.
 - b. Consideration of resolution approving final engineer's reports, levying assessments, ordering the financing of specified development impact fees and capital improvements, confirming the

amount of unpaid assessments and directing related actions in relation to the Assessment Districts.

3. Conduct following actions with respect to issuance of SCIP Local Obligations and Revenue Bonds:
 - a. Consideration of resolution providing for the issuance of SCIP limited obligation improvement bonds each in one or more series and approving the form and substance of a trust agreement and authorizing related actions.
 - b. Consideration of resolution authorizing the issuance, sale and delivery of not to exceed \$24 million of SCIP Revenue Bonds, Series 2022A and approving the forms of a trust agreement, a bond purchase agreement, a continuing disclosure certificate, an official statement, and authorizing certain other actions in connection therewith.

FORMATION OF DISTRICTS:

The assessment districts are being formed for the purpose of financing certain improvements and/or development impact fees as further described in the related engineer's reports for such projects. Depending on market conditions and development status of each of the projects, such assessment and community facilities districts will be included in one or more pooled or standalone bond issuances for SCIP.

SUMMARY OF THE FINANCING:

The Series 2022A pooled SCIP revenue bonds will be issued to acquire certain limited obligation bonds issued for certain assessment districts, as described in the table below. The total anticipated financing for SCIP 2022A is expected to not exceed \$24 million for the following projects:

County	Local Agency	Project	Developer	Land Use	Units	Est. Par Amount
Kern	Bakersfield, City of	Morningstar Ranch (Phase I)	LGI Homes - California, LLC	Single-Family	62	810,000
Placer	Lincoln, City of	Turkey Creek Estates (Units 1B & 1C)	Elliott Homes, Inc.	Single-Family	177	2,780,000
Placer	Roseville, City of	751 Roseville Parkway	Ridge Capital, Inc.	Warehouse	n/a	1,243,000
Sacramento	Galt, City of	Cardoso II	Richmond American Homes of Maryland, Inc.	Single Family	87	2,735,000
Sacramento	Galt, City of	Cedar Flats (Phase II)	Tim Lewis Communities	Single-Family	49	1,529,000
Sacramento	Rancho Cordova, City of	Rio Del Oro (Villages 67A and 67B)	Elliott Homes, Inc	Single Family	253	2,753,000
Sacramento	Sacramento, City of	Potrero L32	Next Generation Capital	Single-Family	20	412,000
Sacramento	Sacramento, City of	Morey Place Morrison Estates	CEC Homes	Single Family	133	2,195,000
San Bernardino	Yucaipa, City of	Artisan	Far West Industries	Condominium (Detached)	70	1,904,000
San Diego	San Marcos, City of	San Marcos Highlands	KB Home California LLC	Single Family	187	1,470,000
Yolo	West Sacramento, City of	Newport Estates (Unit 12 - Tract 5129)	Seecon Financial and Construction Co., Inc.	Single-Family	99	1,748,000
Yuba	Wheatland, City of	Caliterra Ranch (Village II)	K. Hovnanian California Region, Inc.	Single Family	55	1,614,000
Yuba	Yuba, County of	South Orchard Estates	LGI Homes - California, LLC	Single-Family	41	1,237,000
Total		15 Projects			1,233	\$22,430,000

FORMATION ONLY

County	Local Agency	Project	Developer	Land Use	Units	Est. Par Amount
Riverside	Banning, City of	Banning 98	Diversified Pacific	Single-Family	98	4,213,000
Yuba	Wheatland, City of	Caliterra Ranch (Village II)	K. Hovnanian California Region, Inc.	Single-Family	90	2,610,000
Total		2 Projects			188	\$6,823,000

Inclusion of the foregoing assessment districts in the SCIP 2022A pool is dependent upon market and development conditions for each assessment district, and certain of such assessment districts may be removed from the pool with the advice of the underwriter and bond counsel.

ESTIMATED SOURCES & USES:

Estimated Sources and Uses of Funds	(Tax-Exempt)	(Taxable)	(Combined)
Sources of Funds			
Par Amount	\$20,960,000	\$1,470,000	\$22,430,000
Premium	407,235	-	407,235
Total Sources	\$21,367,235	\$1,470,000	\$22,837,235
Uses of Funds			
Deposit to Project Fund	\$18,214,884	\$1,213,233	\$19,428,117
Capitalized Interest Fund	242,204	25,480	267,684
Debt Service Reserve Fund	1,216,995	107,306	1,324,300
Costs of Issuance	1,169,152	87,232	1,256,384

Underwriter's Discount	524,000	36,750	560,750
Total Uses	\$21,367,235	\$1,470,000	\$22,837,235

Pursuant to Section 5852.1 of the California Government Code, the Authority has received certain representations and good faith estimates from RBC Capital Markets, as the underwriter of the California Statewide Communities Development Authority Statewide Community Infrastructure Program Revenue Bonds, Series 2022A and has disclosed such good faith estimates as follows:

SB 450 Information	(Tax- Exempt)	(Taxable)	(Combined)
True Interest Cost of the Bonds	4.046%	6.236%	4.194%
Finance Charge of the Bonds	\$1,693,152	\$123,982	\$1,817,134
Proceeds received from Sale of Bonds	\$18,214,884	\$1,213,233	\$19,428,117
Total Debt Service on the Bonds	\$36,603,004	\$3,227,380	\$39,830,384

RECOMMENDED ACTION:

CSCDA's Executive Director recommends that the Commission take the following actions:

1. Conduct proceedings with respect to the Statewide Community Infrastructure Program ("SCIP") for certain Assessment Districts (collectively, the "Assessment Districts") for multiple development projects:
 - a. Open consolidated Assessment District public hearing.
 - b. Close consolidated Assessment District public hearing.
2. Conduct following actions with respect to the SCIP Assessment Districts:
 - a. Open assessment ballots of landowners within the Assessment Districts and announce results.
 - b. Consideration of resolution approving final engineer's reports, levying assessments, ordering the financing of specified development impact fees and capital improvements, confirming the amount of unpaid assessments and directing related actions in relation to the Assessment Districts.
3. Conduct following actions with respect to issuance of SCIP Local Obligations and Revenue Bonds:
 - a. Consideration of resolution providing for the issuance of SCIP limited obligation improvement bonds each in one or more series and approving the form and substance of a trust agreement and authorizing related actions.

- b. Consideration of resolution authorizing the issuance, sale and delivery of not to exceed \$24 million of SCIP Revenue Bonds, Series 2022A and approving the forms of a trust agreement, a bond purchase agreement, a continuing disclosure certificate, an official statement, and authorizing certain other actions in connection therewith.

Documents: <https://www.dropbox.com/sh/rn9p8uatfgxltee/AAAgXvwObyucicfApgG-k8Hwa?dl=0>



Agenda Item No. 7

Agenda Report

DATE: April 7, 2022

TO: CSCDA COMMISSIONERS

FROM: Cathy Barna, Executive Director

PROJECT: Point Martin (City of Daly City) – Community Facilities District

PURPOSE: Community Facilities District No. 2022-02 (Point Martin) (“CFD No. 2022-02”)

- a. Conduct public hearing (hearing to be held at 2 p.m. or shortly thereafter).
- b. Consideration of resolutions with respect to formation of CFD No. 2022-02.
- c. Conduct special election within CFD No. 2022-02.
- d. Consider resolution declaring result of special mailed-ballot election within CFD No. 2022-02.
- e. Conduct first reading of “Ordinance Levying a Special Tax for Fiscal Year 2022-2023 and Following Fiscal Years Solely Within and Relating to California Statewide Communities Development Authority Community Facilities District No. 2022-02 (Point Martin), City of Daly City, County of San Mateo, State of California”.

EXECUTIVE SUMMARY:

On February 3, 2022 the Commission approved the resolution of intention form CFD No. 2022-02 (Point Martin) and set the public hearing for March 17, 2022. The public hearing was continued to today’s meeting. The actions requested today are the second step in the formation of the Point Martin Community Facilities District (CFD) located in Daly City, California (the “City”). The CFD is being formed to finance public facilities and services for the City, Bayshore Sanitary District, Jefferson Union High School District and Bayshore Elementary School District (the “Districts”). The City and Districts have approved the formation of the CFD by CSCDA.

BACKGROUND:

KB Homes (the “Developer”) is a homebuilding company founded in 1957 as Kaufman & Broad in Detroit, Michigan. It was the first company to be traded on the NYSE. Its headquarters are in Los Angeles, and have built 600,000+ homes since its founding. The Point Martin project includes the construction of 133 single-family residential units. (“Project”).

Public Facilities & Fees to be Financed

- | | |
|---------------------------------------|--|
| 1. Transportation Improvements | 6. Park, Parkway and Open Space Improvements |
| 2. Water System Improvements | 7. School and Educational Facilities |
| 3. Recycled Water System Improvements | 8. Development Impact Fees |
| 4. Drainage System Improvements | 9. Other Incidental Expenses and Bond Issuance Costs |
| 5. Wastewater System Improvements | |

The financing is estimated to not exceed \$9,000,000 and will be brought back to the Commission for final approval of the bond issuance.

COMMISSION ACTION RECOMMENDED BY THE EXECUTIVE DIRECTOR:

CSCDA’s Executive Director recommends approving the following resolutions:

1. Conduct public hearing (hearing to be held at 2 p.m. or shortly thereafter):
 - a. Open CFD No. 2022-02 Public Hearing.
 - b. Close CFD No. 2022-02 Public Hearing.
2. Consideration of the following resolutions with respect to formation of CFD No. 2022-02:
 - a. Resolution of formation establishing CFD No. 2022-02 providing for the levy of a special tax to finance certain public improvements and certain development impact fees.
 - b. Resolution deeming it necessary to incur bonded indebtedness to finance certain public improvements and development impact fees to mitigate the impacts of development within CFD No. 2022-02.
 - c. Resolution calling special mailed-ballot election within CFD No. 2022-02.
3. Conduct special election within CFD No. 2022-02.

4. Consider resolution declaring result of special mailed-ballot election within CFD No. 2022-02.
5. Conduct first reading of “Ordinance Levying a Special Tax for Fiscal Year 2022-2023 and Following Fiscal Years Solely Within and Relating to California Statewide Communities Development Authority Community Facilities District No. 2022-02 (Point Martin), City of Daly City, County of San Mateo, State of California”.

Documents: <https://www.dropbox.com/sh/re86ni1vjmwi7n1/AABg0WXcPX-miniJVooooz93a?dl=0>

Agenda Item No. 8

Agenda Report

DATE: April 7, 2022

TO: CSCDA COMMISSIONERS

FROM: Cathy Barna, Executive Director

PROJECT: Community Facilities District No. 2016-02 (Delta Coves)

PURPOSE:

- a. Consider the following resolution with respect to Community Facilities District No. 2016-02 (Delta Coves):
 - i. Consideration of a resolution approving the issuance of the California Statewide Communities Development Authority Community Facilities District No. 2016-02 (Delta Coves) Special Tax Bonds, Series 2022, in an aggregate principal amount not to exceed \$24,000,000; authorizing the execution and delivery of a third supplemental indenture providing for the issuance of such bonds; approving a bond purchase contract providing for the sale of such bonds; approving an official statement; approving a continuing disclosure certificate; authorizing the sale of such bonds; and authorizing related actions and the execution of related documents in connection with the issuance, sale and delivery of such bonds.

EXECUTIVE SUMMARY:

- On July 7, 2016 meeting, the CSCDA Commission adopted a resolution forming CFD No. 2016-02 (Delta Coves) located in eastern Contra Costa County.
- The total amount of bonds to be issued for CFD No. 2016-02 (Delta Coves) will not exceed \$55 million for Improvement Area 1 and \$7 million for Improvement Area 2.
- In 2016, CSCDA issued \$16 million in bonds for Improvement Area No. 1 and No. 2.
- In 2019, CSCDA issued the second series of bonds for Improvement Area No. 1 in the amount of \$10,660,000 and Improvement Area No. 2 in the amount of \$455,000.

The action requested today is for approval of the third series of bonds for CFD No. 2016-02 (Delta Coves).

BACKGROUND:

Delta Coves is comprised of 560 single and multifamily units located on Bethel Island. It will offer 494 residential lots and 66 condominiums to further meet the housing needs eastern Contra Costa County.

The CFD includes a Joint Facilities Agreements with the East Contra Costa County Fire Protection District, Ironhouse Sanitary District, Bethel Island Municipal Improvement District and the Diablo Water District. The improvements financed with the CFD include water, sewer and other necessary infrastructure costs to complete the Delta Coves project.

Finance Partners:

Bond Counsel: Orrick, Herrington & Sutcliffe, LLP, Sacramento

Authority Counsel: Orrick, Herrington & Sutcliffe, LLP, San Francisco

Underwriter: RBC Capital Markets, San Francisco

Assessment Engineer: David Taussig & Associates, Newport Beach

SB 450 Good Faith Estimates:

1. TIC: 4.653%
2. Sum of all fees and charges paid to third parties: \$ 988,800
3. Net Proceeds: \$19,494,805
4. Total Net Debt Service (+Annual Fees): \$44,564,895

ESTIMATED SOURCES & USES:

	Improvement Area No. 1	Improvement Area No. 2	Combined Total
Sources of Funds			
Par Amount	\$20,395,000	\$2,135,000	\$22,530,000
Premium	-	-	-
Total Sources	\$20,395,000	\$2,135,000	\$22,530,000
Uses of Funds			
Deposit to Project Fund	\$17,647,428	\$1,847,377	\$19,494,805
Capitalized Interest Fund	285,530	29,890	315,420
Debt Service Reserve Fund	1,566,943	164,032	1,730,975
Costs of Issuance	487,199	51,001	538,200
Underwriter's Discount	407,900	42,700	450,600
Total Uses	\$20,395,000	\$2,135,000	\$22,530,000

FINANCE TERMS:

Rating:	Non-rated
Term:	30 years
Structure:	Fixed Rate
Method of Sale:	Public Offering
Estimated Closing:	May 17, 2022

COMMISSION ACTION RECOMMENDED BY THE EXECUTIVE DIRECTOR:

CSCDA's Executive Director recommends approval of the following actions:

1. Consideration of a resolution approving the issuance of the California Statewide Communities Development Authority Community Facilities District No. 2016-02 (Delta Coves) Special Tax Bonds, Series 2022, in an aggregate principal amount not to exceed \$24,000,000; authorizing the execution and delivery of a third supplemental indenture providing for the issuance of such bonds; approving a bond purchase contract providing for the sale of such bonds; approving an official statement; approving a continuing disclosure certificate; authorizing the sale of such bonds; and authorizing related actions and the execution of related documents in connection with the issuance, sale and delivery of such bonds.

Documents: <https://www.dropbox.com/sh/ku5p363d58cf1ps/AADsf604zG65MYHSjFvDP-JBa?dl=0>

Attachment A: Photo of Delta Coves project

ATTACHMENT A





Agenda Item No. 9

Agenda Report

DATE: April 7, 2022

TO: CSCDA COMMISSIONERS

FROM: Cathy Barna, Executive Director

PROJECT: Sheldon Farms (City of Elk Grove) – Community Facilities District

PURPOSE: Consider the following resolutions to initiate proceedings to form CFD No. 2022-03 (Sheldon Farms), City of Elk Grove, County of Sacramento:

- a. Resolution approving joint community facilities agreements and declaring intention to establish California Statewide Communities Development Authority Community Facilities District No. 2022-03 (Sheldon Farms), City of Elk Grove, County of Sacramento, State of California, and to levy special taxes therein to finance certain public improvements and certain development impact fees.
- b. Resolution to incur bonded indebtedness to finance certain public improvements within California Statewide Communities Development Authority Community Facilities District No. 2022-03 (Sheldon Farms), City of Elk Grove, County of Sacramento, State of California and calling for a public hearing.

EXECUTIVE SUMMARY:

The action requested today is the initial step in the formation of the Sheldon Farms Community Facilities District (CFD) located in Elk Grove, California (the “City”). The CFD is being formed to finance impact fees for the City and the County of Sacramento (the “County”). The City and the County have approved the formation of the CFD by CSCDA.

BACKGROUND:

The project entails single family homes for Village 1 (214 Units), and a future annexation area Village 2 (177 Units) to be constructed by Taylor Builders. The following table summarizes potential agency fees which may be funded.

Impact Fees	Amount
Transportation (Zone 2) Fee - City	\$3,605,341
Affordable Housing Fee - City	1,974,941
Regional San - New Area Fee - Other	2,533,289
SASD Expansion Area Fee - Other	1,298,686
SCWA (Zone 40) Fee - Other	7,032,135
Subtotal	\$16,444,392
<i>Less: Estimated Developer Contribution</i>	<i>(5,369,735)</i>
Net Impact Fees Financed	\$11,074,657

The financing is estimated to not exceed \$13,000,000 and will be brought back to the Commission for completion of the formation of the CFD, and for final approval of the bond issuance.

COMMISSION ACTION RECOMMENDED BY THE EXECUTIVE DIRECTOR:

CSCDA's Executive Director recommends approving the following resolutions:

1. Resolution approving joint community facilities agreements and declaring intention to establish California Statewide Communities Development Authority Community Facilities District No. 2022-03 (Sheldon Farms), City of Elk Grove, County of Sacramento, State of California, and to levy special taxes therein to finance certain public improvements and certain development impact fees.
2. Resolution to incur bonded indebtedness to finance certain public improvements within California Statewide Communities Development Authority Community Facilities District No. 2022-03 (Sheldon Farms), City of Elk Grove, County of Sacramento, State of California and calling for a public hearing on May 19, 2022.

Documents: <https://www.dropbox.com/sh/ws6e18r2eys8b6f/AACNQDjoYwdQW8XlTB3QpLhya?dl=0>



Agenda Item No. 10

Agenda Report

DATE: April 7, 2022

TO: CSCDA COMMISSIONERS

FROM: James Hamill, Managing Director

PURPOSE: Consideration of a resolution approving and directing execution and delivery of bond purchase agreements related to bonds issued by the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island).

EXECUTIVE SUMMARY:

The City and County of San Francisco (“the City”) has requested that CSCDA enter into two bond purchase agreements for its Infrastructure and Revitalization Financing District (IRFD) No. 1. (the “District”) to assist with the financing of various projects on Treasure Island.

The District wishes to issue two series of bonds (the “Bonds”) under the IRFD law. The bond purchase agreements will be with the District, Stifel, Nicolaus & Company Incorporated, Inc., and Backstrom McCarley Berry & Co., LLC (collectively, the “Underwriters”), pursuant to which the CSCDA will purchase the Bonds from the District and sell them to the Underwriters. CSCDA is not the issuer and is merely a third party, as required by the IRFD law, to purchase and sell the bonds to the Underwriters.

BACKGROUND & SUMMARY:

In 2017, the City established the Treasure Island IRFD at Treasure Island and Yerba Buena Island, which are between the cities of San Francisco and Oakland. The Treasure Island IRFD is overseen by the City and the Treasure Island Development Authority (TIDA), who is made up of members from the City of San Francisco’s Board of Supervisors. Drawing from tax increment as well as funds from a Community Facilities District (CFD), the Treasure Island IRFD will go towards funding housing development, commercial and retail development, public infrastructure improvement (streets, utilities, community facilities, etc.), park/open space maintenance, and geotechnical improvements. The funds generated from the IRFD go primarily towards the proposed housing, economic development, and property improvements.

- CSCDA will have no other role in the proposed bond financing and is not the issuer of the Bonds. The requirement for a separate Authority to purchase the bonds is a function of the IRFD laws.
- The proposed structure is similar to when CSCDA entered into joint powers agreements to assist the San Bruno Park School District, Cameron Park Community Services District, San Dieguito Union High School District, Alameda County Flood Control and Water Conservation District, Zone 7, City of Orange, City of Martinez, West County Wastewater District, City of Dublin, Mountain House Community Services District and City of St. Helena.
- CSCDA will charge the City its standard fee of \$10,000.
- Jones Hall is serving as bond counsel. CSCDA's General Counsel has reviewed the documents.

RECOMMENDED ACTION:

CSCDA's Managing Director recommends that the Commission resolution approving and directing execution and delivery of bond purchase agreements related to bonds issued by the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island).

Documents: https://www.dropbox.com/sh/lj40iiumrvat93m/AABQ_WctWH-NACQTwFLOAgFma?dl=0



Agenda Item No. 11

Agenda Report

DATE: April 7, 2022

TO: CSCDA COMMISSIONERS

FROM: Cathy Barna, Executive Director

PURPOSE: Consideration of North Bridge as a CSCDA commercial PACE Capital Provider

EXECUTIVE SUMMARY:

CSCDA received a proposal from North Bridge (NB) to act as a commercial PACE only Capital Provider under the CSCDA Open PACE program. NB has been active in the Utah PACE program, and actively working on PACE financings in California.

The CSCDA EIS Committee reviewed the proposal and recommends approval as an Open PACE Capital Provider.

OVERVIEW:

NB

- North Bridge (“NB”) was founded by a real estate industry veteran, Laura Rapaport, to provide solutions at the intersection of real estate and ESG.
- Currently, North Bridge is solely focused on C-PACE programs because:
 - Reducing building carbon emissions is critical in order to meeting its national climate goals.
 - Firm principals have relevant experience as real estate lenders / developers / owners and see the need and opportunity to use this financing to improve the energy efficiency of buildings.
 - This is a unique opportunity for NB to invest in a new product as it gains scale.
- Since inception in 2020, NB has signed term sheets for over \$350M of C-PACE transactions across the country.

- The firm successfully completed a \$19.5M retroactive assessment on a hospitality property in Utah in February 2021, and helped get the town of Alta to adopt C-PACE legislation and opt-into the State's program.

NB exceeds all of the CSCDA Program Administrator requirements as outlined below:

1. Minimum of \$10MM in capital available for financing C-PACE loans. Availability of capital needs to be evidenced by a capital commitment letter or letter of intent;
2. Minimum transaction size \$2MM;
3. C-PACE finance team established including bond counsel, assessment engineer and trustee;
4. Minimum 2 years of C-PACE or similar financing experience;
5. Ability to manage delinquency of assessments.

RECOMMENDED ACTION:

CSCDA's Executive Director and EIS Committee recommend the approval of North Bridge as a new commercial Open PACE Capital Provider.



REGULAR MEETING AGENDA

April 7, 2022

2:00 PM or upon adjournment of the CSCDA meeting

Pursuant to Government Code Section 54953(e) (Assembly Bill 361), Commissioners of the CSCDA Community Improvement Authority or staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public may participate in the meeting telephonically. Members of the public may observe and offer comment at this meeting telephonically by dialing 669-900-9128, Meeting ID 259-798-2423, Passcode 129070. If you experience technical problems with the telephonic meeting, please contact info@cscda.org or 1-800-531-7476 for assistance. If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act ("ADA") please contact info@cscda.org or 1-800-531-7476 prior to the meeting for assistance.

1. Roll Call.

_____ Tim Snellings, Chair	_____ Marcia Raines, Member
_____ Brian Moura, Vice Chair	_____ Brian Stiger, Member
_____ Kevin O'Rourke, Secretary	_____ Niroop Srivatsa, Alt. Member
_____ Jordan Kaufman, Treasurer	_____ Jim Erb, Alt. Member
_____ Dan Mierzwa, Member	

2. Consideration of the Minutes of the March 17, 2022 Regular Meeting.

3. Consent Calendar.

4. Public Comment.

5. Executive Director Update.

6. Staff Updates.

7. Adjourn.

CSCDA COMMUNITY IMPROVEMENT AUTHORITY

CONSENT CALENDAR

1. Reconsider the circumstances of the COVID-19 state of emergency and make findings in connection therewith to authorize meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).

April 7, 2022



MINUTES

REGULAR MEETING OF THE CSCDA COMMUNITY IMPROVEMENT AUTHORITY

March 17, 2022

2:00 PM or upon adjournment of the CSCDA meeting

Commission Chair Tim Snellings called the meeting to order at 2:16 pm.

1. Roll Call.

Commission members participating via teleconference: Tim Snellings, Brian Moura, Jordan Kaufman, Dan Mierzwa, Marcia Raines, Brian Stiger, Niroop Srivatsa, and Jim Erb.

Others participating via teleconference: Cathy Barna, CSCDA Executive Director; James Hamill, Bridge Strategic Partners; Jon Penkower, Bridge Strategic Partners; Sendy Young, CSAC Finance Corporation; Norman Coppinger, League of California Cities; Trisha Ortiz, Richards Watson & Gershon; and Chase Broffman, CSAC Finance Corporation.

2. Consideration the Minutes of the March 3, 2022 Regular Meeting.

The Commission approved the Minutes of the March 3, 2022 meeting.

Motion to approve by M. Raines. Second by J. Kaufman. Unanimously approved by roll-call vote.

3. Public Comment.

There was no public comment.

4. Quarterly Financial Review (Informational Item).

Executive Director Barna gave an overview of CIA's first budget period that commenced on October 15, 2020. She highlighted that the issuance fee receipt received was more than 5 times than what was expected.

5. Executive Director Update.

Executive Director Barna announced that staff is currently working on statistics that show the impact that CSCDA CIA has had on communities. Staff will present fully vested figures at the CSCDA Annual Meeting in May.

6. Staff Update.

Staff had no update.

7. Adjourn.

The meeting was adjourned at 2:20 p.m.

Submitted by: Sendy Young, CSAC Finance Corporation

Agenda Report

DATE: April 7, 2022
TO: CSCDA CIA COMMISSIONERS
FROM: Cathy Barna, Executive Director
PURPOSE: Consent Calendar

- 1. Reconsider the circumstances of the COVID-19 state of emergency and make findings in connection therewith to authorize meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).**

BACKGROUND AND SUMMARY:

This item is being presented in order to allow CSCDA CIA's Commission and other legislative bodies to meet virtually pursuant to Assembly Bill ("AB") 361. These special provisions in the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963) give local public agencies greater flexibility to conduct teleconference meetings when there is a declared state of emergency and either social distancing is mandated or recommended, or when the legislative body determines in-person meetings would present imminent risks to the health and safety of attendees.

On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in California due to the spread of COVID-19. The Governor subsequently issued numerous executive orders suspending or modifying state laws to facilitate the response to the emergency. Among other things, these executive orders superseded certain Brown Act requirements and established special rules to give local public agencies greater flexibility to conduct teleconference meetings, including authorizing legislative bodies to participate in meetings from remote locations without compliance with certain noticing requirements.

On September 16, 2021, in anticipation of the then-imminent expiration of his special rules for teleconference meetings, the Governor signed AB 361 to amend Section 54953 of the Brown Act. Pursuant to Government Code Section 54953(e), legislative bodies of local agencies may hold public meetings via teleconferencing without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

CSCDA CIA previously determined that as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees and has been conducting its meetings via teleconferencing under Government Code Section 54953(e).

To continue meeting remotely pursuant to Government Code Section 54953(e), an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body's members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing.

The factual circumstances exist for CSCDA CIA to continue holding remote meetings under AB 361. The proclaimed state of emergency in response to the COVID-19 pandemic, which Governor Newsom declared on March 4, 2020, continues to exist. Also, the U.S. Centers for Disease Control and Prevention ("CDC") continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time. COVID-19 can cause severe illness and hundreds of thousands of people have died from COVID-19 in the United States. The CDC advise that even for fully vaccinated people, breakthrough infections are likely to occur. The CDC continue to advise people to avoid crowded indoor places, which put people at higher risk for COVID-19 infection. Therefore, holding meetings via teleconferencing pursuant to Government Code Section 54953(e) will reduce the likelihood of exposure to COVID-19.

RECOMMENDATION:

To continue conducting open and public meetings via teleconferencing in accordance with Government Code Section 54953(e) of the Brown Act, the Commission finds that it has reconsidered the circumstances of the COVID-19 state of emergency and that the state of emergency continues to directly impact the ability of its members to meet safely in person, and the Commission directs staff to take all actions necessary to allow the legislative bodies of CSCDA CIA to conduct meetings via teleconferencing during the emergency.



MEETING AGENDA

April 7, 2022

2:00 PM or upon adjournment of the CSCDA CIA Meeting

Pursuant to Government Code Section 54953(e) (Assembly Bill 361), Members of the California Statewide Communities Development Corporation or staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public may participate in the meeting telephonically. Members of the public may observe and offer comment at this meeting telephonically by dialing 669-900-9128, Meeting ID 259-798-2423, Passcode 129070. If you experience technical problems with the telephonic meeting, please contact info@cscda.org or 1-800-531-7476 for assistance. If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act ("ADA") please contact info@cscda.org or 1-800-531-7476 prior to the meeting for assistance.

1. Roll Call.

_____ Tim Snellings, President	_____ Brian Stiger, Member
_____ Brian Moura, Vice President	_____ Marcia Raines, Member
_____ Kevin O'Rourke, Secretary	_____ Niroop Srivatsa, Alt. Member
_____ Jordan Kaufman, Treasurer	_____ Jim Erb, Alt. Member
_____ Dan Mierzwa, Member	

2. Consideration of the Minutes of the March 3, 2022 Meeting.

3. Consent Calendar.

4. Public Comment.

5. Executive Director Update.

6. Staff Updates.

7. Adjourn.

CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT CORPORATION

CONSENT CALENDAR

1. Reconsider the circumstances of the COVID-19 state of emergency and make findings in connection therewith to authorize meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).

April 7, 2022



MINUTES

REGULAR MEETING OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT CORPORATION

March 3, 2022

2:00 p.m. or upon adjournment of the CSCDA CIA Meeting

Board Vice President Brian Moura called the meeting to order at 2:19 pm.

1. Roll Call.

Board members participating via teleconference: Brian Moura, Kevin O'Rourke, Jordan Kaufman, and Marcia Raines.

Others participating via teleconference: Cathy Barna, CSCDA Executive Director; James Hamill, Bridge Strategic Partners; Jon Penkower, Bridge Strategic Partners; Sendy Young, CSAC Finance Corporation; Norman Coppinger, League of California Cities; Trisha Ortiz, Richards Watson & Gershon; and Chase Broffman, CSAC Finance Corporation.

2. Consideration the Minutes of the February 17, 2022 Regular Meeting.

The Board of Directors approved the Minutes of the February 17, 2022.

Motion to approve by M. Raines. Second by J. Kaufman. Unanimously approved by roll-call vote.

3. Consent Calendar,

The Commission approved the Consent Calendar.

1. Reconsider the circumstances of the COVID-19 state of emergency and make findings in connection therewith to authorize meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).

Motion to approve by M. Raines. Second by K. O'Rourke. Unanimously approved by roll-call vote.

4. Public Comment.

There was no public comment.

5. Approve all necessary actions; the execution and delivery of all necessary documents; and authorize any signatory to sign all necessary documents in connection with the following:

- a. Approve the making of up to \$9,000,000 in qualified low-income community

investments by CSCDC 16 LLC to Renewal Center QALICB (The Renewal Center), City of Chico, County of Butte, California.

Executive Director Barna gave an overview of the project. CSCDC's Advisory Board unanimously recommended approval of the project on September 29, 2021. The project sponsor is Jesus Provides Our Daily Bread. Jesus Center works with its community to seek to restore those suffering from isolation to community integration. JC is a faith-based organization, with a core value of honoring and valuing the poor and outcast. JC does not force, coerce, or require belief to receive services. CSCDC's Executive Director recommended approval of the resolution.

Motion to approve by K. O'Rourke. Second by J. Kaufman. Unanimously approved by roll-call vote.

6. Executive Director Update.

Executive Director Barna had no update.

7. Staff Update.

Staff had no update.

8. Adjourn.

The meeting was adjourned at 2:24 p.m.

Submitted by: Sendy Young, CSAC Finance Corporation

Agenda Report

DATE: April 7, 2022

TO: CSCDC BOARD MEMBERS

FROM: Cathy Barna, Executive Director

PURPOSE: Consent Calendar

- 1. Reconsider the circumstances of the COVID-19 state of emergency and make findings in connection therewith to authorize meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).**

BACKGROUND AND SUMMARY:

This item is being presented in order to allow CSCDC's Board of Directors and other legislative bodies to meet virtually pursuant to Assembly Bill ("AB") 361. These special provisions in the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963) give local public agencies greater flexibility to conduct teleconference meetings when there is a declared state of emergency and either social distancing is mandated or recommended, or when the legislative body determines in-person meetings would present imminent risks to the health and safety of attendees.

On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in California due to the spread of COVID-19. The Governor subsequently issued numerous executive orders suspending or modifying state laws to facilitate the response to the emergency. Among other things, these executive orders superseded certain Brown Act requirements and established special rules to give local public agencies greater flexibility to conduct teleconference meetings, including authorizing legislative bodies to participate in meetings from remote locations without compliance with certain noticing requirements.

On September 16, 2021, in anticipation of the then-imminent expiration of his special rules for teleconference meetings, the Governor signed AB 361 to amend Section 54953 of the Brown Act. Pursuant to Government Code Section 54953(e), legislative bodies of local agencies may hold public meetings via teleconferencing without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

CSCDC previously determined that as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees and has been conducting its meetings via teleconferencing under Government Code Section 54953(e).

To continue meeting remotely pursuant to Government Code Section 54953(e), an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body's members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing.

The factual circumstances exist for CSCDC to continue holding remote meetings under AB 361. The proclaimed state of emergency in response to the COVID-19 pandemic, which Governor Newsom declared on March 4, 2020, continues to exist. Also, the U.S. Centers for Disease Control and Prevention ("CDC") continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time. COVID-19 can cause severe illness and hundreds of thousands of people have died from COVID-19 in the United States. The CDC advise that even for fully vaccinated people, breakthrough infections are likely to occur. The CDC continue to advise people to avoid crowded indoor places, which put people at higher risk for COVID-19 infection. Therefore, holding meetings via teleconferencing pursuant to Government Code Section 54953(e) will reduce the likelihood of exposure to COVID-19.

RECOMMENDATION:

To continue conducting open and public meetings via teleconferencing in accordance with Government Code Section 54953(e) of the Brown Act, the Commission finds that it has reconsidered the circumstances of the COVID-19 state of emergency and that the state of emergency continues to directly impact the ability of its members to meet safely in person, and the Commission directs staff to take all actions necessary to allow the legislative bodies of CSCDC to conduct meetings via teleconferencing during the emergency.