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**CSCDA**  
CALIFORNIA STATEWIDE COMMUNITIES  
DEVELOPMENT AUTHORITY



California State Association of Counties



## **REGULAR MEETING AGENDA**

### **September 1, 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](mailto: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](mailto: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  
\_\_\_\_ Brian Moura, Vice Chair  
\_\_\_\_ Kevin O'Rourke, Secretary  
\_\_\_\_ Jordan Kaufman, Treasurer  
\_\_\_\_ Dan Mierzwa, Member

\_\_\_\_ Marcia Raines, Member  
\_\_\_\_ Brian Stiger, Member  
\_\_\_\_ Niroop Srivatsa, Alt. Member  
\_\_\_\_ Jim Erb, Alt. Member

2. Consideration of the minutes of the August 18, 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. Centennial Square Apartments, LP (Centennial Square Apartments), City of Santa Maria, County of Santa Barbara; issue up to \$70,000,000 in multi-family housing revenue bonds.

6. Consideration of a resolution authorizing the execution and delivery of a second amended and restated indenture relating to the variable rate demand revenue bonds (Western University of Health Sciences) Series 2007A.
7. Consider the following resolutions for a Statewide Community Infrastructure Program (SCIP) Assessment District for the “Vanden Meadows” project for Series 2022C or a future bond issuance:
  - a. Resolution of intention to finance capital improvements and/or the payment of development impact fees for public capital improvements, including approval of proposed boundary maps.
  - b. Resolution preliminarily approving the engineer’s report, setting date for the public hearing of protests and providing for property owner ballots.
8. Conduct second readings and adoption of the respective ordinances regarding the cessation of the levy of the special tax with each of Improvement Area 1, Improvement Area 2 and Improvement Area 3 of CFD No. 2012-01 (Fancher Creek), City of Fresno, County of Fresno and the dissolution of CFD No. 2012-01 (Fancher Creek).
9. Conduct second reading and adoption of the respective ordinances levying a special tax for fiscal year 2022-2023 and following within Improvement Area No. 1 in CFD No. 2022-07 (Watson Ranch) and within CFD No. 2022-10 (Promenade at Sand Creek).
10. Consideration of adding sewer/water line improvements as an eligible measure for CSCDA Open PACE.

**C. STAFF ANNOUNCEMENTS, REPORTS ON ACTIVITIES OR REQUESTS**

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

**NEXT MEETING:** Thursday September 15, 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 amendment to CSCDA Open PACE documents to allow for DTC book-entry for commercial PACE transactions.
3. Consideration of three-year program administration agreement extension for PACE Equity.
4. Consideration of three-year program administration agreement extension for White Oak Advisors.
5. Consider resolution clarifying ambiguity with the rate and method of apportionment for California Statewide Communities Development Authority Community Facilities District No. 2021-03 (Laurel Ranch), City of Antioch, County of Contra Costa, State of California.

September 1, 2022



## MINUTES

### REGULAR MEETING OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY

**August 18, 2022 at 2:00 pm**

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

1. Roll Call.

Board members participating via teleconference: Tim Snellings, Brian Moura, Jordan Kaufman, Dan Mierzwa, Marcia Raines, and Brian Stiger..

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

2. Consideration of the Minutes of the August 4, 2022 Meeting.

The Commission approved the August 4, 2022 Regular Meeting minutes.

***Motion to approve by D. Mierzwa. Second by M. Raines. Unanimously approved by roll-call vote.***

3. Consideration of the Consent Calendar.

The Commission approved the Consent Calendar.

1. Inducement of A0358 Monterey LP (Crossings at Palm Desert), City of Palm Desert, County of Riverside; issue up to \$60 million in multi-family housing revenue bonds.

***Motion to approve by D. Mierzwa. Second by M. Raines. Unanimously approved by roll-call vote.***

4. Public Comment.

There was no public comment.

5. Proceedings related to formation of (i) CFD No. 2022-07 (Watson Ranch), City of American Canyon, County of Napa and designation of Improvement Area No. 1 therein; and (ii) CFD No. 2022-10 (Promenade at Sand Creek), City of Antioch, County of Contra Costa:

- a. Conduct consolidated public hearing.

***Motion to approve by M. Raines. Second by D. Mierzwa. Unanimously approved by roll-call vote***

- b. Consideration of separate resolutions of formation establishing each respective CFD, establishing an improvement area and identifying territory proposed for annexation to the CFD in the future (if applicable), and providing for the levy of special taxes therein to finance certain public improvements and certain development impact fees.

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

- c. Consideration of separate resolutions deeming it necessary to incur bonded indebtedness to finance certain public improvements and certain development impact fees to mitigate the impacts of development within Improvement Area No. 1 in CFD No. 2022-07 (Watson Ranch) and within CFD No. 2022-10 (Promenade at Sand Creek).

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

- d. Consideration of separate resolutions calling special mailed-ballot elections within Improvement Area No. 1 in CFD No. 2022-07 (Watson Ranch) and within CFD No. 2022-10 (Promenade at Sand Creek).

***Motion to approve by J. Kaufman. Second by B. Moura. Unanimously approved by roll-call vote***

- e. Conduct special elections within Improvement Area No. 1 in CFD No. 2022-07 (Watson Ranch) and within CFD No. 2022-10 (Promenade at Sand Creek).
- f. Consider respective resolutions declaring results of special mailed-ballot elections within Improvement Area No. 1 in CFD No. 2022-07 (Watson Ranch) and within CFD No. 2022-10 (Promenade at Sand Creek).

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

- g. Conduct first reading of the respective ordinances levying a special tax for fiscal year 2022-2023 and following within Improvement Area No. 1 in CFD No. 2022-07 (Watson Ranch) and within CFD No. 2022-10 (Promenade at Sand Creek).

***Motion to approve by J. Kaufman. Second by B. Stiger. Unanimously approved by roll-call vote.***

6. Conduct first readings of the respective ordinances regarding the cessation of the levy of the special tax with each of Improvement Area 1, Improvement Area 2 and Improvement Area 3 of CFD No. 2012-01 (Fancher Creek), City of Fresno, County of Fresno and the dissolution of CFD No. 2012-01 (Fancher Creek).

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

7. Executive Director Update.

Executive Director Barna reported that senior representatives from both Cal Cities and CSAC will have a working lunch next week with CSCDA to discuss a couple of topics including contracts that will expire with both entities in 2024.

She also reported that Urban Futures provided CSCDA with a proposal to extend their contract. The item will be brought to the Commission for consideration in the near future.

She and James attend The Cal Cities Annual Conference in early September.

She announced that CSCDA staff has established a data base that includes data on every project completed by CSCDA the last 30+ years. The data is listed by the city and county in which each project is located, and we hope to develop an interactive map showing where CSCDA has completed projects.

8. Staff Update.

Staff had no update.

9. Adjourn.

The meeting was adjourned at 2:17 p.m.

Submitted by: Sindy Young, CSAC Finance Corporation

**NEXT MEETING:** Thursday, September 1, 2022 at 2:00 p.m.



**CSCDA**  
CALIFORNIA STATEWIDE COMMUNITIES  
DEVELOPMENT AUTHORITY

## **Agenda Item No. 3**

### **Agenda Report**

**DATE:** September 1, 2022  
**TO:** CSCDA COMMISSIONERS  
**FROM:** Cathy Barna, Executive Director  
**PURPOSE:** Consent Calendar

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- 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 amendment to CSCDA Open PACE documents to allow for DTC book-entry for commercial PACE transactions.**

Poppy Bank (the "Bank") is a CSCDA commercial Open PACE administrator. They have requested that the documents for their transactions allow for DTC book-entry.

A Depository Trust Company (DTC) settled bond has the advantage of being able to be kept in book-entry form with the Bank's safekeeping institution. With physical settlement, the Bank holds the bonds in their own vault because most safekeeping agents no longer accept paper. Furthermore, a DTC settled bond would be assigned a CUSIP and be Bloomberg traceable, so this would allow the Bank's third-party recordkeeper to include it in the monthly accounting entries, and the Bank would no longer need to account for the assets on its internal loan accounting system.

Jones Hall as PACE Counsel to CSCDA has reviewed this request and see no issues or concerns. It is recommended this amendment be applicable and incorporated to the Open PACE documents. The CSCDA EIS Committee has reviewed and recommends the amendment.

3. **Consideration of three-year program administration agreement extension for PACE Equity.**

PACE Equity entered into an Open PACE Program Administration Agreement with CSCDA for commercial PACE in 2019. The initial term was three-years and is expiring at the end of August, 2022. CSCDA's General Counsel has drafted an extension.

PACE Equity continues to be active in the commercial PACE space closing four transactions with CSCDA. The CSCDA EIS Committee has reviewed and recommends a three-year extension.

4. **Consideration of three-year program administration agreement extension for White Oak Advisors.**

White Oak Advisors entered into an Open PACE Program Administration Agreement with CSCDA for commercial PACE in 2019. The initial term was three-years and is expiring at the end of August, 2022. CSCDA's General Counsel has drafted an extension.

White Oak Advisors continues to be active in the commercial PACE space closing three transactions with CSCDA. The CSCDA EIS Committee has reviewed and recommends a three-year extension.

5. **Consider resolution clarifying ambiguity with the rate and method of apportionment for California Statewide Communities Development Authority Community Facilities District No. 2021-03 (Laurel Ranch), City of Antioch, County of Contra Costa, State of California.**

On October 7, 2021 the Commission adopted a resolution approving the rate and method of apportionment associated with the above-referenced project. Section C of the Rate and Method specifies the rate of the special tax on all property within Tax Zone 1 and Tax Zone 2, but does not specify a rate for property not within a Tax Zone, specifically such property identified as "Excluded Area" on the boundary map for the Community Facilities District. The property owner has requested that the Commission determine that the rate for the Maximum Special Tax, Assigned Special Tax and the Backup Special Tax for property in the Excluded Area and outside identified Tax Zone 1 and Tax Zone 2 shall be \$0. Orrick, Herrington & Sutcliffe as bond counsel has reviewed the request. Recommend approval.

Documents:

<https://www.dropbox.com/sh/mlqjs8wwlj141rc/AADYRlYoHImJx94BaqFfKd2Xa?dl=0>



## **Agenda Item No. 5a**

### **Agenda Report**

**DATE:** September 1, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Centennial Square Apartments

**PURPOSE:** Approve the Financing of Rental Affordable Housing Project Located in the City of Santa Maria, County of Santa Barbara

**AMOUNT:** Not to Exceed \$70,000,000

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#### **EXECUTIVE SUMMARY:**

Centennial Square Apartments (the “Project”) is the new construction of a 184-unit rental housing project located in the City of Santa Maria. 100% of the units will be rent restricted for low-income residents.

#### **PROJECT DESCRIPTION:**

- Construction of a 184-unit affordable rental housing facility located at Southwest Corner of Miller Street & Plaza Drive in Santa Maria.
- Eight residential buildings located on 6.35-acre site.
- Project includes one-bedroom, two-bedroom, and three-bedroom units, and two manager’s units.
- Project includes a community room, computer lab, tot-lot, after school program, social services coordinator, and laundry facilities.

#### **PROJECT ANALYSIS:**

##### **Background on Applicant:**

Dawson Holdings, Inc. (DHI) is an affordable housing developer creating communities that are carefully planned and professionally managed to enhance and improve the lives of their residents and the neighborhoods in which they are located. DHI’s core competency is the development and rehabilitation of multifamily housing throughout the United States, with a primary focus in California and the Western states. Based in Novato, California, DHI’s efforts include the completion of approximately 3,100 units in multifamily and senior projects in California. Since its first project in 1997, DHI and its affiliates have successfully created or preserved 61 multifamily

projects, providing quality homes for more than 6,500 households nationwide. This is DHI's first financing with CSCDA.

**Public Agency Approval:**

**TEFRA Hearing:** April 19, 2022 – City of Santa Maria – unanimous approval

**CDLAC Approval:** December 8, 2021

**Public Benefits:**

- 100% of the total units will be rent restricted for 55 years.
  - 10% (19 units) restricted to 30% or less of area median income households.
  - 10% (19 units) restricted to 50% or less of area median income households.
  - 80% (144 units) restricted to 60% or less of area median income households.
  - Two manager's units.
- The Project is in walking distance to parks, recreational facilities, grocery stores and other retail establishments.

**Sources and Uses:**

Sources of Funds:

Tax-Exempt Bonds:	\$ 45,000,000
Taxable Bonds:	\$ 9,350,000
Tax Credit Equity:	\$ 9,200,000
Deferred Developer Fee:	\$ 7,787,268
Total Sources:	\$ 71,337,268

Uses of Funds:

Land & Acquisition:	\$ 5,500,000
Construction Costs:	\$ 44,316,840
Architecture & Engineering:	\$ 832,367
Interest/Permanent Financing Fees:	\$ 3,841,705
Reserves:	\$ 724,344
Developer Fee:	\$ 7,787,268
Costs of Issuance:	\$ 317,500
Soft Costs:	\$ 8,017,244
Total Uses:	\$ 71,337,268

**Finance Partners:**

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

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

Private Placement Purchaser: R4 Capital

**Finance Terms:**

**Rating:** Unrated  
**Term:** 35 years  
**Method of Sale:** Private Placement  
**Estimated Closing:** September 28, 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 ONE OR MORE MULTIFAMILY HOUSING REVENUE NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$70,000,000 FOR THE FINANCING OF A MULTIFAMILY RENTAL HOUSING PROJECT GENERALLY KNOWN AS CENTENNIAL SQUARE APARTMENTS; 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**, Centennial Square Apartments, 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 (Centennial Square Apartments), Series 2022 N (the “Series N Note”), its Multifamily Housing Revenue Taxable Note (Centennial Square Apartments), Series 2022 N-T (the “Series N-T Note”) and its Multifamily Housing Revenue Note (Centennial Square Apartments), Series 2022 N-R (the “Series N-R Note”), in one or more series from time to time (collectively, the “Notes”), to assist in the financing of the acquisition and construction of a 184-unit (including two manager units) multifamily housing rental development located in the City of Santa Maria, California, and known or to be known as Centennial Square Apartments (the “Project”);

**WHEREAS**, on December 8, 2021, the Authority received an allocation in the amount of \$35,664,687 from the California Debt Limit Allocation Committee (“CDLAC”), and on August 16, 2022, the Authority received a supplemental allocation in the amount of \$1,053,841 from CDLAC (collectively the “Baseline Allocation Amount”) in connection with the Project;

**WHEREAS**, as part of its application to CDLAC made in connection with the Project, the Authority indicated its intention to use up to \$7,000,000 in recycled volume cap previously allocated to one or more qualified residential rental projects in accordance with Internal Revenue Code Section 146(i)(6) (the “Recycled Volume Cap Allocation Amount” and, together with the Baseline Allocation Amount, the “Allocation Amount”) in connection with the Project;

**WHEREAS**, the Authority is willing to execute and deliver the Notes in an aggregate principal amount not to exceed \$70,000,000, provided that the portion of the 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**, the Notes will be executed and delivered to Community Insurance Company, as the initial holder of the Notes (or another to be identified holder the “Funding Lender”);

**WHEREAS**, the City of Santa Maria (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**, 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; 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 “Baseline Allocation Funding Loan Agreement”) to be entered into among the Funding Lender, Wilmington Trust, National Association, as fiscal agent (the “Fiscal Agent”), and the Authority with respect to the Series N Note and the Series N-T Note;

(2) Borrower Loan Agreement (the “Baseline Allocation Borrower Loan Agreement”) to be entered into between the Authority and the Borrower with respect to the Series N Note and the Series N-T Note;

(3) Funding Loan Agreement (the “Recycled Volume Cap Funding Loan Agreement”) and, together with the Baseline Allocation Funding Loan Agreement, the “Funding Loan Agreements”) to be entered into among the Funding Lender, Fiscal Agent and the Authority with respect to the Series N-R Note;

(4) Borrower Loan Agreement (the “Recycled Volume Cap Borrower Loan Agreement”) and, together with the Baseline Allocation Borrower Loan Agreement, the “Borrower Loan Agreements”) to be entered into between the Authority and the Borrower with respect to the Series N-R Note;

(5) Regulatory Agreement and Declaration of Restrictive Covenants (the “Regulatory Agreement”), to be entered into between the Authority and the Borrower; and

(6) Contingency Draw-Down Agreement (the “Contingency-Draw-Down Agreement”) to be entered into by the Funding Lender and the Borrower with respect to the Series N Note.

**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, the respective Funding Loan Agreements, 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 (Centennial Square Apartments), Series 2022 N,” “California Statewide Communities Development Authority Multifamily Housing Revenue Taxable Note (Centennial Square Apartments), Series 2022 N-T” and “California Statewide Communities Development Authority Multifamily Housing Revenue Note (Centennial Square Apartments), Series 2022 N-R” including, if and to the extent necessary, one or more sub-series, with appropriate modifications and series and sub-series designations as necessary. The aggregate principal amount of the Notes shall not exceed \$70,000,000; provided that the aggregate principal amount of any federally tax-exempt Series N Note executed and delivered shall not exceed the Baseline Allocation Amount and the aggregate principal amount of any federally tax-exempt Series N-R Note executed and delivered shall not exceed the Recycled Volume Cap Allocation Amount. The Notes shall be executed and delivered in the form set forth in and otherwise in accordance with the respective Funding Loan Agreements, 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 manual or 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 respective Notes shall be secured in accordance with the terms of the respective Funding Loan Agreements presented to this meeting, as hereinafter approved. Payment of the principal and purchase price of, and prepayment premium, if any, and interest on, the respective Notes shall be made solely from amounts pledged thereto under the respective Funding Loan Agreements 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 Agreements substantially in the form presented at this meeting are 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 Agreements, 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 respective Notes shall be as provided in the respective Funding Loan Agreements as finally executed.

Section 4. The Borrower Loan Agreements substantially in the form presented at this meeting are hereby approved. Any Authorized Signatory, acting alone, is authorized to execute by manual signature and deliver the Borrower Loan Agreements, 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 respective Notes to the Funding Lender pursuant to the terms and conditions of the respective Funding Loan Agreements.

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 one or more tax certificates, contingency draw-down agreement, loan related documents, assignments of deed of trust, any endorsement, allonge or assignment of any note, funds exchange agreements to preserve, "recycle," and allocate to the Project additional private activity bond volume cap previously allocated to one or more qualified residential rental projects in accordance with Internal Revenue Code Section 146(i)(6); and such other documents as described in the Funding Loan Agreements, and the other documents herein approved, 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. The documents authorized herein may be dated such date, and different series designations given to the Notes, as may be appropriate to indicate when the Notes are actually sold or delivered or the nature of the Notes.

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 Agreements and other documents approved herein.

This Resolution shall take effect upon its adoption.

**PASSED AND ADOPTED** by the California Statewide Communities Development Authority this September 1, 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 September 1, 2022.

By \_\_\_\_\_  
Authorized Signatory

## 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: Centennial Square Apartments, LP
2. Authority Meeting Date: 9/1/22
3. Name of Obligations: Centennial Square Apartments
4. ☒ 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): 5.08%.
  - (B) The finance charge of the Obligations, which means the sum of all fees and charges paid to third parties: \$720,857.
  - (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: \$41,922,671.
  - (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): \$42,718,528.
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: 8/26/22



## **Agenda Item No. 6**

### **Agenda Report**

**DATE:** September 1, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Western University of Health Sciences

**PURPOSE:** Consideration of a resolution authorizing the execution and delivery of a second amended and restated indenture relating to the variable rate demand revenue bonds (Western University of Health Sciences) Series 2007A.

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#### **EXECUTIVE SUMMARY:**

In 2007, CSCDA issued Variable Rate Demand Revenue Bonds (the “Bonds”) for Western University of Health Sciences (the “Borrower”) in the aggregate principal amount of \$104,900,000 for the purposes of financing and refinancing its primary health sciences educational campus located in Pomona, California. The Borrower is requesting a second amendment to the indenture in order to provide for a revised and additional Index Rate Period as the current underlying index and related rates (SIFMA and LIBOR) resets will no longer be available. The new index will be the Secured Overnight Financing Rate or SOFR Index Rate.

#### **BACKGROUND:**

- On July 1, 2011 CSCDA approved the First Amendment to the Indenture wherein the Borrower obtained, an irrevocable direct-pay letter of credit from Wells Fargo Bank, which letter of credit expires on its terms on September 23, 2022;
- As a result of the conversion of the Bonds to the new Index Rate Period, the Borrower anticipates that all currently outstanding Series 2007A Bonds in the aggregate principal amount of \$78,345,000 will be remarketed by Wells Fargo.
- Wells Fargo Municipal Capital Strategies, LLC, as purchaser of the Bonds bearing interest in the Initial SOFR Index Rate Period being established (the “Purchaser”), will now be the sole holder of the Bonds.

Orrick, Herrington & Sutcliffe as Bond Counsel have reviewed and drafted all documents related to the amendment.

**COMMISSION ACTION RECOMMENDED BY THE EXECUTIVE DIRECTOR:**

CSCDA's Executive Director recommends approving a resolution authorizing the execution and delivery of a second amended and restated indenture relating to the variable rate demand revenue bonds (Western University of Health Sciences) Series 2007A.

Documents: <https://www.dropbox.com/sh/5axvld363bcug8x/AABXt8ohrQwSSWfhh4aiHDiAa?dl=0>

## **Agenda Item No. 7**

### **Agenda Report**

**DATE:** September 1, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PURPOSE:** Consider the following resolutions for a Statewide Community Infrastructure Program (SCIP) Assessment District for the “Vanden Meadows” project for Series 2022C or a future bond issuance:

- a. Resolution of intention to finance capital improvements and/or the payment of development impact fees for public capital improvements, including approval of proposed boundary maps.
- b. Resolution preliminarily approving the engineer’s report, setting date for the public hearing of protests and providing for property owner ballots.

---

#### **BACKGROUND AND SUMMARY:**

The actions requested today by the Commission are the first steps in connection with the Vanden Meadows project expected to be included in the SCIP 2022C pool. The request to form this district early is based upon the fact that home sales are closing prior to the resolution of intention date for SCIP 2022C at the end of September.

The Vanden Meadow project is located in the City of Vacaville and consists of 158 single-family homes. The financing will consist of roadway, sewer, water and storm drain improvements estimated at approximately \$2,000,000.

The financing will issue bonds as are part of the 2022C pool in December, 2022.

The resolutions/notices include the following actions:

1. Resolution of intention to finance the capital improvements and/or development impact fees, including approval of proposed boundary maps;
2. Resolution approving the preliminary engineer’s reports;

3. Setting the public hearing of protests and providing property owner ballots for October 20, 2022 at 2:00 pm.

Subsequent approvals of the financing will be brought back to the Commission at future meetings.

**RECOMMENDED ACTION:**

CSCDA's Executive Director recommends approval of the resolutions as presented to the Commission and setting the public hearing for October 20, 2022 at 2:00 pm.

Documents:

<https://www.dropbox.com/sh/7yl820vdz13zz8f/AACtsTBepU1xTsfrFB62ztnZa?dl=0>

## **Agenda Item No. 8**

### **Agenda Report**

**DATE:** September 1, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Fancher Creek (City of Fresno) – Community Facilities District

**PURPOSE:** Conduct second readings and adoption of the respective ordinances regarding the cessation of the levy of the special tax with each of Improvement Area 1, Improvement Area 2 and Improvement Area 3 of CFD No. 2012-01 (Fancher Creek), City of Fresno, County of Fresno and the dissolution of CFD No. 2012-01 (Fancher Creek).

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#### **EXECUTIVE SUMMARY:**

- On August 18, 2022 the Commission conducted the first reading of the above-referenced ordinances. Today's action will be to conduct the second reading and adopt the ordinances. Further reading was waived at the previous meeting.
- On July 7, 2022 the Commission approved the issuance of bonds for the Fancher Creek CFD in the City of Fresno. On July 26, 2022 the Bonds closed for the Fancher Creek CFD. The action requested today for the cessation of the levy of the special tax on Improvement Areas Nos. 1, 2 & 3 since they were replaced by the current Bonds.
- On March 25, 2010, the City adopted Resolution 2010-058, consenting to CSCDA to act as the issuer for the bonds associated with the Fancher Creek development. The CFD district included three improvement areas, but bonds were only sold to finance improvements in the Fancher Creek Business Park. The Bonds were sold by CSCDA in January, 2013 (the "CSCDA 2013 Bonds").

#### **COMMISSION ACTION RECOMMENDED BY THE EXECUTIVE DIRECTOR:**

CSCDA's Executive Director recommends approving the following:

1. Conduct second readings and adoption of the respective ordinances regarding the cessation of the levy of the special tax with each of Improvement Area 1, Improvement Area 2 and Improvement Area 3 of CFD No. 2012-01 (Fancher Creek), City of Fresno, County of Fresno and the dissolution of CFD No. 2012-01 (Fancher Creek).

Documents: [https://www.dropbox.com/sh/5nc6ryaz71op76n/AACm8yOck36bx0g3Cs\\_-7o1za?dl=0](https://www.dropbox.com/sh/5nc6ryaz71op76n/AACm8yOck36bx0g3Cs_-7o1za?dl=0)



## Agenda Item No. 9

### Agenda Report

**DATE:** September 1, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Watson Ranch (City of American Canyon) and Promenade at Sand Creek (City of Antioch) – Community Facilities District

**PURPOSE:** Conduct second reading and adoption of the respective ordinances levying a special tax for fiscal year 2022-2023 and following within Improvement Area No. 1 in CFD No. 2022-07 (Watson Ranch) and within CFD No. 2022-10 (Promenade at Sand Creek).

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#### EXECUTIVE SUMMARY:

On July 7, 2022 the Commission initiated proceedings for the Watson Ranch CFD and the Promenade at Sand Creek CFD (the “CFDs”). The public hearing and first reading of the ordinance was held on August 18, 2022.

The actions requested today are the third steps in the formation of the CFDs located in the cities of American Canyon and Antioch, California (the “City”). The CFDs are being formed to finance public facilities, services and fees.

#### BACKGROUND:

##### **Watson Ranch CFD**

Watson Ranch includes multi-faceted elements for a new town center (“Napa Valley Ruins & Gardens”) within the city limits of American Canyon in a setting that is unlike anything else in the region. Watson Ranch will also include a new elementary school, multiple parks and extensive bike and pedestrian trails connecting the project and surrounding community to the Newell Open Space. Watson Ranch helps complete the fabric of American Canyon by linking the community through completion of planned circulation improvements and by creating community gathering places. Construction will be phased over several years. See Attachment A for more details.

McGrath Properties and DR Horton are the development partners for Watson Ranch. D.R. Horton is a home construction company founded in 1978 and headquartered in Arlington, Texas. Since 2002, the company has been the largest homebuilder by volume in the United States.

**Promenade at Sand Creek CFD**

The proposed project consists of a residential development on 51.1 total acres, including up to 296 single-family residential. TriPointe Homes is the developer and one of the largest public homebuilders in the US. A recognized leader in customer experience, innovative design, and environmentally responsible business practices, they build premium homes and communities in 10 states and the District of Columbia.

Each financing 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 that the Commission conduct the second reading and adopt the ordinances. The Commission waived further reading at the previous meeting.

1. Conduct second reading and adoption of the respective ordinances levying a special tax for fiscal year 2022-2023 and following within Improvement Area No. 1 in CFD No. 2022-07 (Watson Ranch) and within CFD No. 2022-10 (Promenade at Sand Creek).

Documents: <https://www.dropbox.com/sh/0fl6yb0w7mup41l/AAC-cekjAZognGGRdFTkx3-ba?dl=0>



## **Agenda Item No. 10**

### **Agenda Report**

**DATE:** September 1, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PURPOSE:** Consideration of sewer/water line improvements as an eligible measure for PACE.

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#### **EXECUTIVE SUMMARY:**

Water conservation projects are eligible to be financed by residential PACE under the CSCDA program. Such water conservation efforts have been successful, but also have created a related requirement for a growing number of homeowners to replace old sewer lines in order to prevent leakage of grey water into the ground rather than being recycled. In addition, leaky sewer lines divert untreated sewage directly into the ground and possibly groundwater at the residence.

On a broader community scale, when the wastewater from a house doesn't reach the main sewer line, there is less water in the sewer line. Sewer lines need a certain amount of water flowing through them to function properly. When there is not enough water in the sewer lines, the sewer company has to manually add water and flush the sewer mains. In today's drought conditions, this is a waste of water.

In most communities, the homeowner is responsible for any repairs from the house to the sewer main in the middle of the street. These are most always emergency, unplanned expenditures. They are very costly, usually in excess of \$20,000.

Jones Hall as PACE Counsel to CSCDA has reviewed the statutes that authorize PACE and have determined that sewer/water line improvements would fit into the category of water conservation, and therefore can be added as an eligible measure for the Open PACE program.

The CSCDA EIS Committee has reviewed this request and recommend approval of this additional measure.

#### **RECOMMENDED ACTION:**

CSCDA's Executive Director recommends adding sewer/water line improvements as an eligible measure for CSCDA's Open PACE program.



**CSCDA**  
COMMUNITY IMPROVEMENT  
AUTHORITY



## **REGULAR MEETING AGENDA**

**September 1, 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](mailto: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](mailto:info@cscda.org) or 1-800-531-7476 prior to the meeting for assistance.*

1. Roll Call.

\_\_\_\_ Tim Snellings, Chair  
\_\_\_\_ Brian Moura, Vice Chair  
\_\_\_\_ Kevin O'Rourke, Secretary  
\_\_\_\_ Jordan Kaufman, Treasurer  
\_\_\_\_ Dan Mierzwa, Member

\_\_\_\_ Marcia Raines, Member  
\_\_\_\_ Brian Stiger, Member  
\_\_\_\_ Niroop Srivatsa, Alt. Member  
\_\_\_\_ Jim Erb, Alt. Member

2. Consideration of the Minutes of the August 4, 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).

September 1, 2022



## MINUTES

### REGULAR MEETING OF THE CSCDA COMMUNITY IMPROVEMENT AUTHORITY

**August 4, 2022**

**2:00 PM or upon adjournment of the CSCDA meeting**

Commission Vice Chair Brian Moura called the meeting to order at 2:18 pm.

1. Roll Call.

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

Others participating via teleconference: Cathy Barna, CSCDA Executive Director; James Hamill, Bridge Strategic Partners; Jon Penkower, Bridge Strategic Partners; Sandy Young, CSAC Finance Corporation; Trisha Ortiz, Richards Watson & Gershon, and Nina Brox, Orrick.

2. Consideration the Minutes of the July 7, 2022 Regular Meeting.

The Commission approved the Minutes of the July 7, 2022 meeting.

***Motion to approve by J. Kaufman. Second by M. Raines. 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 N. Srivatsa. Second by B. Stiger. Unanimously approved by roll-call vote.***

4. Public Comment.

There was no public comment.

5. Executive Director Update.

Executive Director Barna had no update.

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:** September 1, 2022  
**TO:** CSCDA CIA COMMISSIONERS  
**FROM:** Cathy Barna, Executive Director  
**PURPOSE:** Consent Calendar

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- 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

September 1, 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](mailto: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](mailto: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 August 4, 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).

September 1, 2022



## MINUTES

### REGULAR MEETING OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT CORPORATION

**August 4, 2022**

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

Board President Tim Snellings called the meeting to order at 2:20 pm.

1. Roll Call.

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

Others participating via teleconference: Cathy Barna, CSCDA Executive Director; James Hamill, Bridge Strategic Partners; Jon Penkower, Bridge Strategic Partners; Sendy Young, CSAC Finance Corporation; Trisha Ortiz, Richards Watson & Gershon, and Nina Brox, Orrick.

2. Consideration the Minutes of the July 7, 2022 Regular Meeting.

The Board of Directors approved the Minutes of the July 7, 2022.

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

3. Consent Calendar,

The Board 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 B. Stiger. 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 \$8,500,000 in qualified low-income community investments by CSCDC 18 LLC to Desert College Financing Corp. (College of the Desert), City of Indio, County of Riverside, California.

The Board approved the financing for the Desert College Financing Corp.

***Motion to approve by N. Srivatsa. Second by D. Mierzwa. 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 2:26 p.m.

Submitted by: Sendy Young, CSAC Finance Corporation

## **Agenda Report**

**DATE:** September 1, 2022

**TO:** CSCDC BOARD MEMBERS

**FROM:** Cathy Barna, Executive Director

**PURPOSE:** Consent Calendar

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- 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.