



**CSCDA**  
CALIFORNIA STATEWIDE COMMUNITIES  
DEVELOPMENT AUTHORITY



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**October 6, 2022**

**CSCDA**

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**CSCDA**  
 CALIFORNIA STATEWIDE COMMUNITIES  
 DEVELOPMENT AUTHORITY



California State Association of Counties



LEAGUE OF  
 CALIFORNIA  
 CITIES

**REGULAR MEETING AGENDA**  
**October 6, 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 September 15, 2022 and September 29, 2022 Regular Meetings.
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. Enloe Medical Center, City of Chico, County of Butte; issue up to \$425,000,000 in nonprofit health facility revenue bonds.

- b. Fiddymment Affordable Partners, L.P (Hayden Parkway Apartments), City of Roseville, County of Placer; issue up to \$28,000,000 in multi-family housing revenue bonds.
  - c. Harvard Adams Housing Partners, LP (Adams Blvd. & Harvard Gardens Apartments), City of Los Angeles, County of Los Angeles; issue up to \$22,000,000 in multi-family housing revenue bonds.
  - d. Villa Verde Housing Partners, LP (Villa Verde Apartments), City of Santa Fe Springs, County of Los Angeles; issue up to \$20,000,000 in multi-family housing revenue bonds.
  - e. ABS Sepulveda, LP (Apple Tree Village), City of Los Angeles, County of Los Angeles; issue up to \$3,000,000 in multi-family housing revenue bonds.
  - f. Berkeley Downtown Hotel Holdings LLC, City of Berkeley, County of Alameda, consideration of resolution ratifying form PACE documents for North Bridge ESG LLC commercial PACE and issue up to \$84,500,000 in commercial PACE bonds.
6. Consider the following resolution relating to Community Facilities District No. 2015-01, Improvement Area No. 3 (University District), City of Rohnert Park, County of Sonoma:
- a. A resolution approving the issuance of the California Statewide Communities Development Authority Community Facilities District No. 2015-01, Improvement Area No. 3 (University District) Special Tax Bonds, Series 2022, in an aggregate principal amount not to exceed \$11,000,000; authorizing the execution and delivery of an 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.
7. Consider the following resolutions to initiate proceedings to form Statewide Community Infrastructure Program Community Facilities District No. 2022-11 (Caselman South) County of Sacramento, State of California:
- a. A resolution approving a joint community facilities agreement and declaring intention to establish California Statewide Communities Development Authority Statewide Community Infrastructure Program Community Facilities District No. 2022-11 (Caselman South) County of Sacramento, State of California, and to levy special taxes therein to finance certain development impact fees; and
  - b. A resolution to incur bonded indebtedness to finance certain public improvements and certain development impact fees to mitigate the impacts of development within California Statewide Communities Development Authority Statewide Community Infrastructure Program Community Facilities District No. 2022-11 (Caselman South) County of Sacramento, State of California and calling for a public hearing.

8. Conduct the second reading of and adopt “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. 2022-09 (España), City of Indio, County of Riverside, State of California.”
9. Consideration of a Joint Exercise of Powers Agreement between CSCDA and the City of Laguna Beach.
10. 2021-22 Financial Review (Informational Item).
11. Consider Setting Time of October 20, 2022 Regular Meeting at 9:00 AM.

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

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

**NEXT MEETING:** Thursday October 20, 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 for engagement letter with Orrick, Herrington & Sutcliffe for North Bridge ESG LLC commercial PACE.
3. Consideration of County of San Luis Obispo PACE foreclosure resolution.

October 6, 2022



## MINUTES

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

September 15, 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, Kevin O'Rourke, 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; Norman Coopinger, Cal Cities; Sendy Young, CSAC Finance Corporation; and Trisha Ortiz, Richards Watson.

2. Consideration of the Minutes of the September 1, 2022 Meeting.

The Commission approved the September 1, 2022 Regular Meeting minutes.

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

3. Consideration of the Consent Calendar.

The Commission approved the Consent Calendar.

1. Inducement of Harbor Park Apartments Phase 2, LP (Harbor Park Apartments Phase 2), City of Vallejo, County of Solano; issue up to \$45 million in multi-family housing revenue bonds.

2. Consider resolution replacing Christy Stutzman with Christy Higgins as an authorized signatory.

***Motion to approve by K. O'Rourke. Second by D. Mierzwa. Unanimously approved by roll-call vote.***

4. Public Comment.

There was no public comment.

5. Proceedings related to formation of CFD No. 2022-09 (Espana), City of Indio, County of Riverside (“CFD No. 2022-09”):

- a. Conduct public hearing.

***Motion to close the public hearing by K. O’Rourke. Second by D. Mierzwa. Unanimously approved by roll-call vote.***

- b. Consideration of resolution of formation establishing CFD No. 2022-09 and providing for the levy of a special tax therein to finance certain public improvements and certain development impact fees.

***Motion to approve by D. Mierzwa. Second by J. Kaufman. Unanimously approved by roll-call vote.***

- c. Consideration of 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. 2022-09.

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

- d. Consideration of resolution calling special mailed-ballot election within CFD No. 2022-09.

***B. Stiger joined the meeting.***

***Motion to approve by B. Moura. Second by K. O’Rourke. Unanimously approved by roll-call vote.***

- e. Conduct special election within CFD No. 2022-09.

All ballots have been cast in favor of the formation of CFD No. 2022-09 (Espana), and no ballots have been cast opposed.

- f. Consider resolution declaring results of special mailed-ballot election within CFD No. 2022-09.

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

- g. Conduct first reading of the ordinance levying a special tax for fiscal year 2022-2023 and following years within CFD No. 2022-09.



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

6. Consideration of Compliance Monitoring Services Contract with Urban Futures Bond Administration, Inc.

The Commission approved the Compliance Monitoring Services Contract with Urban Futures Bond Administration.

***Motion to approve by K. O'Rourke. Second by M. Raines. Yes: T. Snellings, B. Moura, K. O'Rourke, J. Kaufman, M. Raines, B. Stiger; Abstained: D. Mierzwa. Motion passes by a majority vote.***

7. Executive Director Update.

Executive Director Barna reported a successful attendance at the Cal Cities Annual Conference and Expo last week.

8. Staff Update.

Staff had no update.

9. Adjourn.

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

Submitted by: Sindy Young, CSAC Finance Corporation

**NEXT MEETING:** Thursday, October 6, 2022 at 2:00 p.m.



## MINUTES

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

September 29, 2022 at 2:00 pm

Commission Vice Chair Brian Moura called the meeting to order at 2:00 pm.

1. Roll Call.

Board members participating via teleconference: Brian Moura, Kevin O'Rourke, Jordan Kaufman, Dan Mierzwa, Marcia Raines, Brian Stiger and Jim Erb.

Others participating via teleconference: Cathy Barna, CSCDA Executive Director; James Hamill, Bridge Strategic Partners; Perry Stottlemeyer, Cal Cities; Sendy Young, CSAC Finance Corporation; and Trisha Ortiz, Richards Watson.

2. Public Comment.

There was no public comment.

3. Consider the following resolutions for multiple Statewide Community Infrastructure Program (SCIP) Assessment Districts for Series 2022C or a future bond issuance:

1. Resolutions of intention to finance capital improvements and/or the payment of development impact fees for public capital improvements, including approval of proposed boundary maps.

***Motion to close the public hearing by M.Raines. Second by J.Kaufman.  
Unanimously approved by roll-call vote.***

2. Resolutions preliminarily approving the engineer's reports, setting date for the public hearing of protests and providing for property owner ballots.\

***Motion to close the public hearing by J.Kaufman. Second by J.Erb.  
Unanimously approved by roll-call vote.***

4. Executive Director Update.

Executive Director Barna reported her and Jon Penkower were attending the CSAC Finance Corporation Meeting. Alan Fernandes will provide an update to the CSCDA Commission at its meeting in October.

5. Staff Update.

Staff had no update.

3. Adjourn.

The meeting was adjourned at 2:04 p.m.

Submitted by: James Hamill, Bridge Strategic Partners

**NEXT MEETING:** Thursday, October 6, 2022 at 2:00 p.m.



## Agenda Item No. 3

### Agenda Report

**DATE:** October 6, 2022  
**TO:** CSCDA COMMISSIONERS  
**FROM:** Cathy Barna, Executive Director  
**PURPOSE:** Consent Calendar

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#### **SUMMARY:**

- 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 for engagement letter with Orrick, Herrington & Sutcliffe for North Bridge ESG commercial PACE.**

North Bridge ESG was approved as a PACE Capital Provider in November, 2021. They are processing their first transaction through CSCDA. Orrick, Herrington & Sutcliffe will act as PACE counsel, and for consideration is the standard engagement letter that has been approved for other capital providers. CSCDA is not responsible for any of the legal fees. Recommend approval.

### **3. Consideration of PACE foreclosure resolution related to San Luis Obispo County.**

San Luis Obispo County annually removes delinquent PACE installments from its tax rolls in order for CSCDA to address the delinquencies. The attached resolution is the action taken by the Commission to allow CSCDA Foreclosure Counsel, Stradling, Yocca, Carlson & Rauth to address the delinquencies. The subject property owners will receive a letter from counsel prior to commencing foreclosure actions allowing the property owner to cure the delinquency.

#### **Documents:**

<https://www.dropbox.com/sh/4xmnbnlll5qse6y/AACRbffWJ5iogDvkWbGOSBoba?dl=0>



## Agenda Item No. 5a

### Agenda Report

**DATE:** October 6, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Enloe Medical Center

**PURPOSE:** Authorize the Issuance of Bonds to Finance and Refinance the Acquisition, Construction, Improvement, Expansion, Remodeling, Renovation, Furnishing, and Equipping of Healthcare and Related Facilities located in the City of Chico, County of Butte.

**AMOUNT:** Not to Exceed \$425,000,000

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#### **EXECUTIVE SUMMARY:**

Enloe Medical Center, a 501c3 nonprofit organization (“Enloe”), has requested that CSCDA issue nonprofit revenue bonds in an amount not to exceed \$425,000,000 (the “Bonds”) to finance and refinance the acquisition, construction, improvement, expansion, remodeling, renovation, furnishing and equipping of healthcare and related facilities located in the City of Chico (the “Project”). The Bonds are being issued to finance a new cancer center and refinance CSCDA’s 2008A and 2015 bonds previously issued for Enloe.

#### **PROJECT ANALYSIS:**

##### **About Enloe Medical Center:**

Enloe Medical Center is a 298-bed non-profit hospital with the mission of improving the quality of life through patient-centered care. It is one of two Level II trauma centers north of Sacramento, houses the region’s only Level II neonatal intensive care unit and operates the FlightCare air ambulance service. Enloe’s comprehensive medical services include cardiac surgery and heart care, neurosurgery, orthopedics, total joint replacement, cancer care, maternity care, women’s services and bariatrics. Enloe caregivers are focused on engaging each other to achieve higher quality of care, reaching out to patients and families to create meaningful programs and building bridges with the community to support health and well-being. Enloe is one of the few California hospitals still locally governed. The hospital’s community-based, volunteer Board of Trustees protects this local status and assures that dollars earned are reinvested to improve the health of the community.

**Description of Project:**

A portion of the proceeds of the Bonds will be used to finance the cost of construction, equipping and renovation of (1) an approximately 100,000 square foot cancer center, and (2) three floors of patient care and other clinical space. Enloe is also simultaneously refinancing the Series 2008A and 2015 Bonds in order to exit the Cal-Mortgage program and allow for incurrence of the new money borrowing, which increases total debt beyond Cal-Mortgage limitations.

**Public Agency Approval:**

**TEFRA Hearing:** A TEFRA hearing is scheduled for October 4, 2022 at the City of Chico. Staff will update the Commission on the outcome of the TEFRA hearing at the meeting. CSCDA Approval is subject to TEFRA approval by the City Council.

**Economic Development:**

- Enloe employs more than 3,000 staff and 300 physicians throughout its City of Chico facilities.
- Enloe’s role in the community has generated the establishment of medical clinics, pharmacies, rehabilitation centers and other medical related businesses to assist those in need of continued medical care. In addition, many Enloe employees live, eat and shop within the community and support the local economy.

**Public Benefit:**

- Emergency care – Enloe provides 24-hour emergency care to all individuals, regardless of their ability to pay.
- In 2021, Enloe contributed more than \$110 million in total community benefits, including quantifiable benefits for the poor and broader community.
- Medi-Cal, Medicaid and Medicare acceptance – Enloe provides healthcare and helps to subsidize the cost of service for patients that participate in government sponsored programs such as Medi-Cal, Medicaid and Medicare. In 2021, Enloe subsidized more than \$104 million for the unpaid cost of federal, state, and local programs.
- Non-reimbursed community benefit costs – In 2021, Enloe provided more than \$3.3 million in traditional charity care charges and \$4 million in non-billed services.

**Sources and Uses:**

Sources of Funds:

Series 2022A Tax-Exempt Bonds:	\$ 191,230,000
Series 2022B Taxable Bonds:	\$ 172,020,000
Original Issue Discount:	\$ (366,162)
Fundraising Cash:	\$ 12,000,000
Release of DSRFs:	<u>\$ 15,800,000</u>
Total Sources:	\$ 390,683,838



Uses of Funds:

Project Fund:	\$ 200,000,000
Refunding Deposits:	\$ 180,964,908
Insurance Premium:	\$ 4,271,714
Additional Proceeds:	\$ 3,959
Cost of Issuance	\$ <u>5,443,257</u>
Total Uses:	\$ 390,683,838

**Finance Partners:**

Bond Counsel:	Orrick, Herrington & Sutcliffe, LLP, Sacramento
Authority Counsel:	Orrick, Herrington & Sutcliffe, LLP, Sacramento
Underwriter:	Cain Brothers

**Finance Terms:**

<b>Ratings:</b>	Series 2022A Tax-Exempt Bonds – BBB- anticipated (S&P) Series 2022B Insured Taxable Bonds – AA (S&P/Assured Guaranty)
<b>Term:</b>	Series 2022A – 35 Years Series 2022B – 25 Years
<b>Method of Sale:</b>	Public Offering
<b>Estimated Closing:</b>	November 2, 2022

**CSCDA Policy Compliance:**

The financing for Enloe complies with CSCDA’s general and issuance policies.

**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, subject to TEFRA approval by the City of Chico;

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. 22NP-\_\_**

**CALIFORNIA STATEWIDE COMMUNITIES  
DEVELOPMENT AUTHORITY**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF REVENUE BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$425,000,000 TO FINANCE AND/OR REFINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, EXPANSION, REMODELING, RENOVATION, FURNISHING AND EQUIPPING OF CERTAIN HEALTH CARE AND RELATED FACILITIES FOR ENLOE MEDICAL CENTER AND OTHER MATTERS RELATING THERETO**

WHEREAS, pursuant to the provisions of the Joint Exercise of Powers Act, comprising Articles 1, 2, 3 and 4 of Chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the Government Code of the State of California (the "Act"), a number of California cities, counties and special districts (each, a "Program Participant") entered into a joint exercise of powers agreement (the "Agreement") pursuant to which the California Statewide Communities Development Authority (the "Authority") was organized;

WHEREAS, the Authority is authorized by its Agreement to issue bonds, notes or other evidences of indebtedness, or certificates of participation in leases or other agreements in order to promote economic development;

WHEREAS, the Authority is authorized by a resolution adopted March 21, 1991, to issue bonds, notes or other evidences of indebtedness, or certificates of participation in leases or other agreements to finance or refinance facilities owned and/or leased and operated by organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986 which are determined by the Authority to satisfy the criteria set forth in such resolution (the "Eligible Organizations");

WHEREAS, pursuant to the provisions of the Act, the cities, counties and special districts which are the contracting parties comprising the membership of the Authority are authorized to jointly exercise any power common to such contracting parties, including, without limitation, the power to acquire and dispose of property, both real and personal;

WHEREAS, the City of Chico (the "City") is a Program Participant, and such City is authorized to acquire and dispose of property, both real and personal, pursuant to the provisions of Article 1, Chapter 5, Part 2 of Division 3 of Title 4 of the Government Code of the State of California;

WHEREAS, pursuant to the provisions of the Act and the Agreement, the Authority is authorized to enter into installment purchase and/or sale agreements with the Eligible Organizations and to deliver certificates of participation evidencing interests therein;

WHEREAS, pursuant to the provisions of the Act, the Authority may, at its option, issue bonds, rather than certificates of participation, and enter into a loan agreement with the Eligible Organizations;

WHEREAS, Enloe Medical Center, a California nonprofit public benefit corporation (the "Corporation"), wishes to finance and refinance the acquisition, construction, improvement, expansion, remodeling, renovation, furnishing and equipping of certain health care and related facilities (the "Project") owned and operated or to be owned and operated by the Corporation and located or to be located in the City;

WHEREAS, the Corporation is requesting the assistance of the Authority in financing and/or refinancing the Project;

WHEREAS, pursuant to one or more Bond Indentures (collectively, the "Bond Indentures"), between the Authority and U.S. Bank Trust Company, National Association (the "Bond Trustee"), the Authority will issue the California Statewide Communities Development Authority Revenue Bonds (Enloe Medical Center), Series 2022, in one or more series (the "Bonds") for the purpose, among others, of financing and/or refinancing the Project;

WHEREAS, pursuant to one or more Loan Agreements (collectively, the "Loan Agreements"), between the Authority and the Corporation, the Authority will loan the proceeds of the Bonds to the Corporation for the purpose, among others, of financing and/or refinancing the Project;

WHEREAS, pursuant to one or more Bond Purchase Contracts, to be dated the date of sale of the Bonds (collectively, the "Purchase Contracts"), among Cain Brothers, a division of KeyBanc Capital Markets Inc., as underwriter (the "Underwriter"), the Authority and the Corporation, the Bonds will be sold to the Underwriter, and the proceeds of such sale will be used as set forth in the Bond Indentures to finance and/or refinance the Project, to fund a debt service reserve account, if required, and to pay costs incurred in connection with the issuance of the Bonds;

WHEREAS, there have been made available to the Commissioners of the Authority the following documents and agreements:

- (1) Proposed forms of the Bond Indentures;
- (2) Proposed forms of the Loan Agreements;
- (3) Proposed forms of the Purchase Contracts;
- (4) A proposed form of one or more official statements (collectively, the "Official Statements") to be used by the Underwriter in connection with the offering and sale of the Bonds; and

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 Corporation and has disclosed such good faith estimates as set forth on Exhibit A attached hereto;

NOW THEREFORE, BE IT RESOLVED by the Commission of the California Statewide Communities Development Authority, as follows:

**Section 1.** Pursuant to the Act and the Bond Indentures, the Authority is hereby authorized to issue its revenue bonds, designated as the “California Statewide Communities Development Authority Revenue Bonds (Enloe Medical Center), Series 2022” in an aggregate principal amount not to exceed four hundred twenty-five million dollars (\$425,000,000), from time to time, in one or more series, as federally tax-exempt bonds or federally taxable bonds, with such other name or names of the Bonds or series thereof as designated in the Bond Indentures pursuant to which the Bonds will be issued. The Bonds shall be issued and secured in accordance with the terms of, and shall be in the form or forms set forth in, the Bond Indentures. The Bonds shall be executed on behalf of the Authority by the manual or facsimile signature of the Chair of the Authority or the Vice Chair of the Authority or the manual signature of any member of the Commission of the Authority or their administrative delegates duly authorized pursuant to Resolution No. 20R-1 of the Authority, adopted on January 23, 2020, or any other delegation resolution of the Authority (each, an “Authorized Signatory”), and 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.

**Section 2.** The proposed forms of Bond Indentures, as made available to the Commissioners, are hereby approved. Any Authorized Signatory is hereby authorized and directed, for and on behalf of the Authority, to execute and deliver the Bond Indentures in substantially said forms, with such changes and insertions therein as any member of the Commission, with the advice of counsel to the Authority, may approve, such approval to be conclusively evidenced by the execution and delivery thereof. The dated date, maturity date or dates, initial interest rate mode, interest rate or rates, or methods of determining rates, tender provisions, interest payment dates, denominations, forms, registration privileges, manner of execution, place or places of payment, terms of redemption and other terms of the Bonds shall be as provided in the Bond Indentures, as finally executed.

**Section 3.** The proposed forms of Loan Agreements, as made available to the Commissioners, are hereby approved. Any Authorized Signatory is hereby authorized and directed, for and on behalf of the Authority, to execute and deliver the Loan Agreements in substantially said forms, with such changes and insertions therein as any member of the Commission, with the advice of counsel to the Authority, may approve, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 4.** The proposed forms of the Purchase Contracts, as made available to the Commissioners, are hereby approved. Any Authorized Signatory is hereby authorized and directed, for and on behalf of the Authority, to execute and deliver the Purchase Contracts, in substantially said forms, with such changes and insertions therein as any member of the Commission, with the advice of counsel to the Authority, may approve, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 5.** The proposed preliminary form of Official Statement, as made available to the Commissioners, is hereby approved. The Underwriter is hereby authorized to distribute the Official Statement in preliminary form, to persons who may be interested in the

purchase of the Bonds and to deliver the Official Statement in final form, in substantially the form of the preliminary Official Statement, to the purchasers of the Bonds.

**Section 6.** The Bonds, when executed as provided in Section 1, shall be delivered to the Bond Trustee for authentication by the Bond Trustee. The Bond Trustee is hereby requested and directed to authenticate the Bonds by executing the Bond Trustee's Certificate of Authentication appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the purchaser or purchasers thereof in accordance with written instructions executed on behalf of the Authority by an Authorized Signatory, which any Authorized Signatory, acting alone, is authorized and directed, for and on behalf of the Authority, to execute and deliver to the Bond Trustee. Such instructions shall provide for the delivery of the Bonds to the purchaser or purchasers thereof, upon payment of the purchase price thereof.

**Section 7.** The Chair, the Vice Chair, the Secretary, the Treasurer, any other members of the Commission of the Authority and other appropriate officers and agents of the Authority are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the Authority, to execute and deliver any and all documents, including, without limitation, any and all documents and certificates to be executed in connection with securing credit support, if any, for the Bonds, and to do any and all things and take any and all actions which may be necessary or advisable, in their discretion, to effectuate the actions which the Authority has approved in this Resolution and to consummate by the Authority the transactions contemplated by the documents approved hereby, including any subsequent amendments, waivers or consents entered into or given in accordance with such documents.

**Section 8.** All actions heretofore taken by the Chair, the Vice Chair, the Secretary, the Treasurer, any other members of the Commission of the Authority and other appropriate officers and agents of the Authority with respect to the issuance of the Bonds are hereby ratified, confirmed and approved.

**Section 9.** Notwithstanding anything to the contrary in this Resolution, no documents referenced in this Resolution may be executed and delivered until the City has held the hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, if required by said Section, and has approved the issuance of the Bonds as may be required thereby and in accordance with Section 9 of the Agreement to provide financing and/or refinancing for the Project.

**Section 10.** This Resolution shall take effect from and after its adoption.

PASSED AND ADOPTED by the California Statewide Communities Development Authority this 6th day of October, 2022.

I, the undersigned, an Authorized Signatory of the California Statewide Communities Development Authority, DO 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 October 6, 2022.

By:

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Authorized Signatory  
California Statewide Communities  
Development Authority

## 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: Enloe Medical Center
2. Authority Meeting Date: October 6, 2022
3. Name of Obligations: CSCDA \$191,230,000 Series 2022A Revenue Bonds and \$172,020,000 Series 2022B Insured Revenue Bonds
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:
  - (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): 5.5000%.
  - (B) The finance charge of the Obligations, which means the sum of all fees and charges paid to third parties: \$5,500,000.
  - (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: \$380,964,000.
  - (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): \$806,250,000.
5. **The good faith estimates provided above 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: September 23, 2022



## **Agenda Item No. 5b**

### **Agenda Report**

**DATE:** October 6, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Hayden Parkway Apartments

**PURPOSE:** Approve the Financing of Rental Affordable Housing Project Located in the City of Roseville, County of Placer

**AMOUNT:** Not to Exceed \$28,000,000

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#### **EXECUTIVE SUMMARY:**

Hayden Parkway Apartments (the “Project”) is the new construction of a 94-unit rental affordable housing project located in the City of Roseville. 100% of the units will be rent restricted for extremely low-income and low-income tenants.

#### **PROJECT DESCRIPTION:**

- Construction of a 94-unit affordable rental housing facility located at North Hayden Parkway and Crawford Parkway in the City of Roseville.
- 8.44-acre site.
- Five three-story residential buildings.
- Consists of 22 one-bedroom units, 40 two-bedroom units, 31 three-bedroom units, and one manager unit.
- Property includes a clubhouse, pool, outdoor kitchen and lounge areas, and a playground.

#### **PROJECT ANALYSIS:**

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

The Hampstead Group was founded in the 1970s, developing multifamily affordable housing projects throughout California. Hampstead has developed a strong reputation and gained valuable experience related to development and repositioning of existing properties using conventional financing, bond financing, low-income housing tax credits, and historic tax credits with State and Local participation. Hampstead’s mission is to create positive community impact by building

affordable housing, so that families can remove housing as an impediment and focus energy on wellness, family, education, and advancement. This is Hampstead's 5th financing with CSCDA.

**Public Agency Approval:**

**TEFRA Hearing:** August 17, 2022 – City of Roseville – unanimous approval

**CDLAC Approval:** December 8, 2021

**Public Benefits:**

- 100% of the units will be rent restricted to extremely low-income and low-income individuals for 55 years.
  - 11% (10 units) restricted to 30% or less of area median income households.
  - 60% (56 units) restricted to 50% or less of area median income households.
  - 29% (27 units) restricted to 60% or less of area median income households.
  - One Manager Unit.

**Sources and Uses:**

Sources of Funds:

Tax-Exempt Bonds:	\$ 18,000,000
City Loan:	\$ 2,500,000
Tax Credits:	\$ 11,090,651
Deferred Developer Fee:	\$ 2,605,995
Total Sources:	\$ 34,196,646

Uses of Funds:

Acquisition Costs:	\$ 475
Construction Costs:	\$ 22,559,993
Architecture & Engineering:	\$ 661,466
Capitalized Interest:	\$ 1,052,629
Costs of Issuance:	\$ 205,000
Reserves:	\$ 254,217
Developer Fee:	\$ 4,344,313
Other Costs (Taxes, Marketing, FF&E, Contingency):	\$ 5,118,553
Total Uses:	\$ 34,196,646

**Finance Partners:**

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

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

Private Placement Purchaser: Red Stone Capital

**Finance Terms:**

**Rating:** Unrated  
**Term:** 35 years  
**Method of Sale:** Private Placement  
**Estimated Closing:** October 31, 2022

**CSCDA Policy Compliance:**

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

**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 ISSUANCE AND DELIVERY OF MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$28,000,000 FOR THE FINANCING OF A MULTIFAMILY RENTAL HOUSING PROJECT GENERALLY KNOWN AS HAYDEN PARKWAY 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 BONDS**

**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 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**, Fiddyment Affordable Partners, L.P., a California limited partnership, and entities related thereto (collectively, the “Borrower”), has requested that the Authority issue and sell revenue bonds to assist in the financing of the acquisition, construction and development of a 94-unit (including one manager’s unit) multifamily rental housing development located in the City of Roseville (the “City”), County of Placer, California, and known or to be known as Hayden Parkway Apartments (the “Project”);

**WHEREAS**, on June 15, 2022, the Authority received an allocation of private activity bond volume cap for the Project in the amount of \$19,350,000, and on September 23, 2022, the Authority received a supplemental allocation of private activity bond volume cap for the Project in the amount of \$1,935,000 (collectively, the “Allocation Amount”) from the California Debt Limit Allocation Committee (“CDLAC”);

**WHEREAS**, the City is a Program Participant (as defined in the Agreement) of the Authority and has authorized the issuance of the Bonds;

**WHEREAS**, the Authority is willing to issue not to exceed \$28,000,000 aggregate principal amount of its Multifamily Housing Revenue Bonds (Hayden Parkway Apartments) 2022 Series O (the “Bonds”), provided that the aggregate portion of such Bonds issued as federally tax-

exempt obligations shall not exceed the Allocation Amount, and 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 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 on Exhibit A attached hereto;

**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 issuance of the Bonds, and such documents are now in substantial form and appropriate instruments to be executed and delivered for the purposes intended:

(1) Indenture of Trust (the "Indenture"), to be entered into between the Authority and Zions Bancorporation, National Association, as trustee (the "Trustee");

(2) Loan Agreement (the "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 among the Borrower, the Authority and the Trustee; and

(4) Bond Purchase Agreement (the "Purchase Contract") to be entered into among the Authority, the Borrower and FMSbonds, Inc., as underwriter (the "Underwriter"), relating to the initial sale of the Bonds, with the acknowledgment and consent of the purchaser thereof.

**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 Indenture, and in accordance with the Housing Law, the Authority is hereby authorized to issue one or more series of Bonds. The Bonds shall be designated as "California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (Hayden Parkway Apartments) 2022 Series O", with appropriate modifications and series and sub-series designations as necessary, in an aggregate principal amount not to exceed \$28,000,000; provided that the aggregate principal amount of any tax-exempt Bonds issued shall not exceed the Allocation Amount. The Bonds shall be issued in the form set forth in and otherwise in accordance with the Indenture, and shall be executed on behalf of the Authority by the facsimile signature of the Chair of the Authority or the manual signature of any Authorized Signatory (as defined below), and attested by the facsimile signature of the Secretary of the Authority, or the manual signature of any Authorized Signatory. The Bonds shall be issued and secured in accordance with the terms of the Indenture, presented to this meeting, as hereinafter

approved. Payment of the principal and purchase price of, and redemption premium, if any, and interest on, the Bonds shall be made solely from amounts pledged thereto under the Indenture, and the Bonds shall not be deemed to constitute a debt or liability of the Authority or any Program Participant or any Member of the Commission of the Authority (each, a “Member”).

Section 3. The Indenture 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 or facsimile signature, and to deliver to the Trustee, the Indenture 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 principal amount, 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 redemption and other terms of the Bonds shall be as provided in the Indenture as finally executed.

Section 4. The 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 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 Authority is hereby authorized to sell the Bonds to the Underwriter or its designee pursuant to the terms and conditions of the Purchase Contract. The form, terms and provisions of the Purchase Contract in the form presented at this meeting are hereby approved and any Authorized Signatory, acting alone, is authorized to execute by manual signature and deliver the Purchase Contract 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 hereby approved by counsel to the Authority, such approval to be conclusively evidenced by the delivery thereof.

Section 7. The Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the certificate of authentication of the Trustee appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to or at the direction of the Underwriter, in accordance with written instructions executed and delivered on behalf of the Authority by an Authorized Signatory, which Authorized Signatory, acting alone, is hereby authorized and directed to execute and deliver such instructions to the Trustee. Such instructions shall provide for the delivery of the Bonds to or

at the direction of the Placement Agent in accordance with the Purchase Contract upon payment of the purchase price thereof.

Section 8. All actions heretofore taken by the officers and agents of the Authority with respect to the financing of the Project and the sale and issuance of the Bonds 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, a subordination or intercreditor agreement, any endorsement, allonge and/or assignment of any note or the deed of trust and such other documents as described in the Indenture or the Purchase Contract, and the other documents herein approved, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds 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 issuance of the Bonds, 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 Bonds or any redemption of the Bonds, 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 Indenture, and other documents approved herein.

Section 10. This Resolution shall take effect upon its adoption.

**PASSED AND ADOPTED** by the California Statewide Communities Development Authority this October 6, 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 October 6, 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: Fiddymment Affordable Partners, L.P.
2. Authority Meeting Date: 10/6/22
3. Name of Obligations: Hayden Parkway 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):   5.3594  %.
  - (B) The finance charge of the Obligations, which means the sum of all fees and charges paid to third parties: \$   266,063  .
  - (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: \$   21,018,938  .
  - (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): \$   22,061,160.50  .
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: 9/27/22



## Agenda Item No. 5c

### Agenda Report

**DATE:** October 6, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Adams Blvd. & Harvard Gardens Apartments

**PURPOSE:** Approve the Financing of Rental Affordable Housing Project Located in the City of Los Angeles, County of Los Angeles

**AMOUNT:** Not to Exceed \$22,000,000

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#### **EXECUTIVE SUMMARY:**

Adams Blvd. & Harvard Gardens Apartments (the “Project”) is the acquisition and rehabilitation of 48 units of rental housing located in the City of Los Angeles. 100% of the units will be preserved and remain rent restricted for extremely low-income and very low-income residents.

#### **PROJECT DESCRIPTION:**

- Acquisition and rehabilitation of a 48-unit scattered site affordable rental housing facility located at 4230 W. Adams Blvd. and 1938 S. Harvard Blvd. in the City of Los Angeles.
- Six two- and three-story residential buildings, outdoor patios, and laundry rooms.
- Consists of 39 two-bedroom, four three-bedroom units, and five four-bedroom units, including one manager’s unit.

#### **PROJECT ANALYSIS:**

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

Vitus is a national leader in preserving and enhancing affordable housing. By focusing on areas with the greatest need and employing holistic renovation practices, Vitus has improved the lives of more than 25,000 residents in affordable communities across America. Founded in 1996 by Stephen Whyte, Vitus acquires, protects and renovates affordable housing, creating vibrant, livable communities through thoughtful restoration based on Active Design principles. Its approach offers residents access to healthier lifestyles by creating spaces for physical activity, community gardens, improved walkways and stairwells, and a variety of health, wellness, and education programs. To date, Vitus has preserved more than 100 affordable properties across 22 states. Vitus Group has financed four prior projects with CSCDA.

**Public Agency Approval:**

**TEFRA Hearing:** The scheduling of the TEFRA hearing is in process with the City of Los Angeles and is expected to be completed within the month of October. CSCDA approval shall be subject to TEFRA approval by the City Council.

**CDLAC Approval:** June 15, 2022

**Public Benefits:**

- 100% of the total units will be rent restricted for 55 years.
  - 38% (18 units) of the affordable units restricted to 30% or less of area median income households.
  - 9% (4 units) of the affordable units restricted to 40% or less of area median income households.
  - 53% (25 units) of the affordable units restricted to 50% or less of area median income households.
  - One manager unit.

**Sources and Uses:**

Sources of Funds:

Tax-Exempt Bonds:	\$ 16,000,000
Tax Credit Equity:	\$ 8,505,789
Deferred Developer Fee:	\$ 1,333,691
Total Sources:	\$ 25,839,480

Uses of Funds:

Acquisition:	\$ 15,473,000
Construction Costs:	\$ 5,055,099
Architecture & Engineering:	\$ 156,000
Relocation:	\$ 285,000
Capitalized Interest/Fees:	\$ 1,122,669
Reserves:	\$ 380,000
Developer Fee:	\$ 2,852,274
Costs of Issuance:	\$ 265,000
Soft Costs:	\$ 250,438
Total Uses:	\$ 25,839,480

**Finance Partners:**

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

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

Underwriter: Colliers Securities

**Finance Terms:**

**Rating:** AAA (Moody's) – FHA Credit Enhanced  
**Term:** Four years (bonds will be taken out by FHA permanent loan)  
**Method of Sale:** Public Offering  
**Estimated Closing:** October 31, 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, subject to TEFRA approval by the City of Los Angeles;
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 ISSUANCE AND DELIVERY OF TWO OR MORE SERIES OF MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$22,000,000 FOR THE FINANCING OF A MULTIFAMILY RENTAL HOUSING DEVELOPMENT GENERALLY KNOWN AS ADAMS BOULEVARD & HARVARD GARDENS APARTMENTS; DETERMINING AND PRESCRIBING CERTAIN MATTERS AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS RELATED THERETO; RATIFYING ANY ACTION HERETOFORE TAKEN AND APPROVING RELATED MATTERS IN CONNECTION WITH THE BONDS**

**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 for the purpose of financing, among other things, the acquisition, rehabilitation, construction 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**, Harvard Adams Housing Partners, LP, a California limited partnership (the “Borrower”), has requested that the Authority issue, sell and deliver revenue bonds to assist in the financing of the acquisition and rehabilitation of a 48-unit (including one manager’s unit) scattered-site multifamily rental housing development located in the City of Los Angeles, California, and known as Adams Boulevard & Harvard Gardens Apartments (the “Project”);

**WHEREAS**, on June 15, 2022, the Authority received an allocation in the amount of \$13,403,000 (the “Allocation Amount”) of private activity volume cap from the California Debt Limit Allocation Committee in connection with the Project;

**WHEREAS**, the Authority is expected to seek approval at a public hearing held by the City of Los Angeles or the County of Los Angeles, held pursuant to Section 147(f) of the Internal Revenue Code of 1986 with respect to the proposed plan of financing for the Project (the “TEFRA Approval”);

**WHEREAS**, the Authority is willing to issue not to exceed \$22,000,000 aggregate principal amount of its California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (Adams Boulevard & Harvard Gardens Apartments) 2022 Series L-1 (the “Series L-1 Bonds”) and California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (Adams Boulevard & Harvard Gardens Apartments) 2022 Series L-2

(Subordinate Series) (the “Series L-2 Bonds” and, together with the Series L-2 Bonds, “Bonds”), provided that the aggregate portion of such Bonds issued 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 income persons;

**WHEREAS**, the City of Los Angeles is a Program Participant (as defined in the Agreement) of the Authority;

**WHEREAS**, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of the governmental unit on whose behalf the Bonds are expected to be issued and by a governmental unit having jurisdiction over the area in which any facility financed by the Bonds is to be located, after a public hearing held following reasonable public notice;

**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 Bonds are expected to be initially offered for sale to the public by Colliers Securities LLC, as underwriter (the “Underwriter”), as the purchaser of the Bonds;

**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 issuance of the Bonds, and such documents are now in substantial form and appropriate instruments to be executed and delivered for the purposes intended:

(1) Trust Indenture (the “Series L-1 Indenture”), to be entered into between the Authority and U.S. Bank Trust Company, National Association, as trustee (the “Trustee”) with respect to the Series L-1 Bonds;

(2) Loan Agreement (the “Series L-1 Loan Agreement”), to be entered into between the Authority and the Borrower with respect to the Series L-1 Bonds;

(3) Trust Indenture (the “Series L-2 Indenture” and, together with the Series L-1 Indenture, the “Indentures”), to be entered into between the Authority and U.S. Bank Trust Company, National Association, as trustee (the “Trustee”) with respect to the Series L-2 Bonds;

(4) Loan Agreement (the “Series L-2 Loan Agreement” and, together with the Series L-2 Loan Agreement, the “Loan Agreements”), to be entered into between the Authority and the Borrower with respect to the Series L-2 Bonds;

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

(6) Bond Purchase Agreement (the “Bond Purchase Agreement”), to be entered into by the Authority, the Underwriter and the Borrower with respect to the Bonds; and

(7) Official Statements (the “Official Statements”), to be used in connection with the offer and sale of the Bonds;

**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 Series L-1 Indenture and the Series L-2 Indenture, and in accordance with the Housing Law, the Authority is hereby authorized to issue the Bonds in two or more series. The Bonds shall be designated as “California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (Adams Boulevard & Harvard Gardens Apartments) 2022 Series L-1” and “California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (Adams Boulevard & Harvard Gardens Apartments) 2022 Series L-2 (Subordinate Series),” including, if and to the extent necessary, one or more series and sub-series, with appropriate modifications and series and sub-series designations as necessary, in an aggregate principal amount not to exceed \$22,000,000, provided that the Bonds may not be issued unless and until the Project receives TEFRA approval, and provided that the aggregate principal amount of any federally tax-exempt Bonds issued and/or executed and delivered shall not exceed the Allocation Amount. The Bonds shall be issued in the form set forth in and otherwise in accordance with the terms of the respective Indentures, and such Bonds 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 Bonds shall be issued and secured in accordance with the terms of the respective Indentures, presented to this meeting, as hereinafter approved. Payment of the principal and purchase price of, and redemption premium, if any, and interest on, the Bonds shall be made solely from amounts pledged thereto under the respective Indentures and the Bonds shall not be deemed to constitute a debt or liability of the Authority or any Program Participant or any Member of the Commission of the Authority (each, a “Member”).

Section 3. The Series L-1 Indenture 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 Series L-1 Indenture, 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 redemption and other terms of the Series L-1 Bonds shall be as provided in the Series L-1 Indenture as finally executed.



Section 4. The Series L-2 Indenture 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 Series L-2 Indenture, 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 redemption and other terms of the Series L-2 Bonds shall be as provided in the Series L-2 Indenture as finally executed.

Section 5. The Series L-1 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 Series L-1 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 6. The Series L-2 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 Series L-2 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 7. 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 one or more Regulatory 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 8. The Authority is hereby authorized to sell the Bonds to the Underwriter pursuant to the terms and conditions of the Bond Purchase Agreement. The form, terms and provisions of the Bond Purchase Agreement 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 Bond Purchase 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 hereby approved by counsel to the Authority, such approval to be conclusively evidenced by the delivery thereof.

Section 9. The Official Statements in the forms presented at this meeting are hereby approved and the Commission hereby approves the distribution of the Official Statements to prospective purchasers of the Bonds. Any Authorized Signatory, acting alone, is authorized to certify on behalf of the Authority that the Official Statement, as to the sections therein related directly to the Authority, is deemed final as of its date, within the meaning of Rule 15c2-12 promulgated under the Securities Exchange Act of 1934. Any Authorized Signatory, acting alone, is authorized to execute, at the time of the sale of the Bonds, said Official Statement in final form,

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 hereby approved by counsel to the Authority, such approval to be conclusively evidenced by the delivery thereof.

Section 10. The Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the certificate of authentication of the Trustee appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to or at the direction of the Underwriter, in accordance with written instructions executed and delivered on behalf of the Authority by an Authorized Signatory, which any Authorized Signatory, acting alone, is hereby authorized and directed to execute and deliver such instructions to the Trustee. Such instructions shall provide for the delivery of the Bonds to or at the direction of the Underwriter in accordance with the Bond Purchase Agreement upon payment of the purchase price thereof.

Section 11. All actions heretofore taken by the officers and agents of the Authority with respect to the financing of the Project and the sale, issuance and delivery of the Bonds 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, a subordination and/or intercreditor agreement, any endorsement and/or assignment of the deed of trust, investment instructions related to the investment of moneys held under the Indentures, including SLGS and open market securities and such other documents as described in the Indentures, 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 issuance and delivery of the Bonds 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 12. 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 issuance of the Bonds, 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 Bonds or redemption of the Bonds, 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 Indentures, and other documents approved herein.

This Resolution shall take effect upon its adoption.

**PASSED AND ADOPTED** by the California Statewide Communities Development Authority this October 6, 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 October 6, 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: Harvard Adams Housing Partners, LP
2. Authority Meeting Date: October 6, 2022
3. Name of Obligations: Multifamily Housing Revenue Bonds Series 2022 L-1  
Multifamily Housing Revenue Bonds Series 2022 L-2  
Adams Boulevard & Harvard Gardens 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): 4.676%.
  - [(B) The finance charge of the Obligations, which means the sum of all fees and charges paid to third parties: \$544,180.
  - [(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: \$12,860,820.
  - [(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): \$14,766,630
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, X 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: 9/29/22



## Agenda Item No. 5d

### Agenda Report

**DATE:** October 6, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Villa Verde Apartments

**PURPOSE:** Approve the Financing of Rental Affordable Housing Project Located in the City of Santa Fe Springs, County of Los Angeles

**AMOUNT:** Not to Exceed \$20,000,000

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#### **EXECUTIVE SUMMARY:**

Villa Verde Apartments (the “Project”) is the acquisition and rehabilitation of 34 units of rental housing located in the City of Santa Fe Springs. 100% of the units will be preserved and remain rent restricted for extremely low-income and very low-income residents.

#### **PROJECT DESCRIPTION:**

- Acquisition and rehabilitation of a 34-unit affordable rental housing facility located at 9800 Jersey Avenue. in the City of Santa Fe Springs.
- Six two-story residential buildings, playground, and laundry rooms.
- Consists of 28 two-bedroom, six three-bedroom units, including one manager’s unit.

#### **PROJECT ANALYSIS:**

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

Vitus is a national leader in preserving and enhancing affordable housing. By focusing on areas with the greatest need and employing holistic renovation practices, Vitus has improved the lives of more than 25,000 residents in affordable communities across America. Founded in 1996 by Stephen Whyte, Vitus acquires, protects and renovates affordable housing, creating vibrant, livable communities through thoughtful restoration based on Active Design principles. Its approach offers residents access to healthier lifestyles by creating spaces for physical activity, community gardens, improved walkways and stairwells, and a variety of health, wellness, and education programs. To date, Vitus has preserved more than 100 affordable properties across 22 states. Vitus Group has financed four prior projects with CSCDA.

**Public Agency Approval:**

**TEFRA Hearing:** September 20, 2022 – City of Santa Fe Springs

**CDLAC Approval:** June 15, 2022

**Public Benefits:**

- 100% of the total units will be rent restricted for 55 years.
  - 6% (2 units) of the affordable units restricted to 30% or less of area median income households.
  - 94% (31 units) of the affordable units restricted to 50% or less of area median income households.
  - One manager unit.

**Sources and Uses:**

Sources of Funds:

Tax-Exempt Bonds:	\$ 11,900,000
Tax Credit Equity:	\$ 5,686,048
Deferred Developer Fee:	<u>\$ 1,249,813</u>
Total Sources:	\$ 18,835,861

Uses of Funds:

Acquisition:	\$ 12,497,000
Construction Costs:	\$ 2,583,376
Architecture & Engineering:	\$ 83,000
Relocation:	\$ 185,000
Capitalized Interest/Fees:	\$ 814,340
Reserves:	\$ 270,000
Developer Fee:	\$ 1,942,266
Costs of Issuance:	\$ 235,000
Soft Costs:	<u>\$ 225,879</u>
Total Uses:	\$ 18,835,861

**Finance Partners:**

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

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

Underwriter: Colliers Securities

**Finance Terms:**

**Rating:** AAA (Moody's) – FHA Credit Enhanced  
**Term:** Four years (bonds will be taken out by FHA permanent loan)  
**Method of Sale:** Public Offering  
**Estimated Closing:** October 31, 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 ISSUANCE AND DELIVERY OF TWO OR MORE SERIES OF MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 FOR THE FINANCING OF A MULTIFAMILY RENTAL HOUSING DEVELOPMENT GENERALLY KNOWN AS VILLA VERDE; DETERMINING AND PRESCRIBING CERTAIN MATTERS AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS RELATED THERETO; RATIFYING ANY ACTION HERETOFORE TAKEN AND APPROVING RELATED MATTERS IN CONNECTION WITH THE BONDS**

**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 for the purpose of financing, among other things, the acquisition, rehabilitation, construction 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**, Villa Verde Housing Partners, LP, a California limited partnership (the “Borrower”), has requested that the Authority issue, sell and deliver revenue bonds to assist in the financing of the acquisition and rehabilitation of a 34-unit (including one manager’s unit) multifamily rental housing development located in the City of Santa Fe Springs, California, and known as Villa Verde (the “Project”);

**WHEREAS**, on June 15, 2022, the Authority received an allocation in the amount of \$9,730,000 (the “Allocation Amount”) of private activity volume cap from the California Debt Limit Allocation Committee in connection with the Project;

**WHEREAS**, the Authority is willing to issue not to exceed \$20,000,000 aggregate principal amount of its California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (Villa Verde) 2022 Series K-1 (the “Series K-1 Bonds”) and California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (Villa Verde) 2022 Series K-2 (Subordinate Series) (the “Series K-2 Bonds” and, together with the Series K-2 Bonds, “Bonds”), provided that the aggregate portion of such Bonds issued 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 income persons;

**WHEREAS**, the City of Santa Fe Springs is a Program Participant (as defined in the Agreement) of the Authority;

**WHEREAS**, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of the governmental unit on whose behalf the Bonds are expected to be issued and by a governmental unit having jurisdiction over the area in which any facility financed by the Bonds is to be located, after a public hearing held following reasonable public notice;

**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 Bonds are expected to be initially offered for sale to the public by Colliers Securities LLC, as underwriter (the “Underwriter”), as the purchaser of the Bonds;

**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 issuance of the Bonds, and such documents are now in substantial form and appropriate instruments to be executed and delivered for the purposes intended:

(1) Trust Indenture (the “Series K-1 Indenture”), to be entered into between the Authority and U.S. Bank Trust Company, National Association, as trustee (the “Trustee”) with respect to the Series K-1 Bonds;

(2) Loan Agreement (the “Series K-1 Loan Agreement”), to be entered into between the Authority and the Borrower with respect to the Series K-1 Bonds;

(3) Trust Indenture (the “Series K-2 Indenture” and, together with the Series K-1 Indenture, the “Indentures”), to be entered into between the Authority and U.S. Bank Trust Company, National Association, as trustee (the “Trustee”) with respect to the Series K-2 Bonds;

(4) Loan Agreement (the “Series K-2 Loan Agreement” and, together with the Series K-2 Loan Agreement, the “Loan Agreements”), to be entered into between the Authority and the Borrower with respect to the Series K-2 Bonds;

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

(6) Bond Purchase Agreement (the “Bond Purchase Agreement”), to be entered into by the Authority, the Underwriter and the Borrower with respect to the Bonds; and

(7) Official Statements (the “Official Statements”), to be used in connection with the offer and sale of the Bonds;

**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 Series K-1 Indenture and the Series K-2 Indenture, and in accordance with the Housing Law, the Authority is hereby authorized to issue the Bonds in two or more series. The Bonds shall be designated as “California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (Villa Verde) 2022 Series K-1” and “California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (Villa Verde) 2022 Series K-2 (Subordinate Series),” including, if and to the extent necessary, one or more series and sub-series, with appropriate modifications and series and sub-series designations as necessary, in an aggregate principal amount not to exceed \$20,000,000, provided that the aggregate principal amount of any federally tax-exempt Bonds issued and/or executed and delivered shall not exceed the Allocation Amount. The Bonds shall be issued in the form set forth in and otherwise in accordance with the terms of the respective Indentures, and such Bonds 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 Bonds shall be issued and secured in accordance with the terms of the respective Indentures, presented to this meeting, as hereinafter approved. Payment of the principal and purchase price of, and redemption premium, if any, and interest on, the Bonds shall be made solely from amounts pledged thereto under the respective Indentures and the Bonds shall not be deemed to constitute a debt or liability of the Authority or any Program Participant or any Member of the Commission of the Authority (each, a “Member”).

Section 3. The Series K-1 Indenture 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 Series K-1 Indenture, 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 redemption and other terms of the Series K-1 Bonds shall be as provided in the Series K-1 Indenture as finally executed.

Section 4. The Series K-2 Indenture 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 Series K-2 Indenture, 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 redemption and other terms of the Series K-2 Bonds shall be as provided in the Series K-2 Indenture as finally executed.

Section 5. The Series K-1 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 Series K-1 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 6. The Series K-2 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 Series K-2 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 7. 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 8. The Authority is hereby authorized to sell the Bonds to the Underwriter pursuant to the terms and conditions of the Bond Purchase Agreement. The form, terms and provisions of the Bond Purchase Agreement 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 Bond Purchase 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 hereby approved by counsel to the Authority, such approval to be conclusively evidenced by the delivery thereof.

Section 9. The Official Statements in the forms presented at this meeting is hereby approved and the Commission hereby approves the distribution of the Official Statements to prospective purchasers of the Bonds. Any Authorized Signatory, acting alone, is authorized to certify on behalf of the Authority that the Official Statements, as to the sections therein related directly to the Authority, is deemed final as of its date, within the meaning of Rule 15c2-12 promulgated under the Securities Exchange Act of 1934. Any Authorized Signatory, acting alone, is authorized to execute, at the time of the sale of the Bonds, said Official Statements in final form, 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 hereby approved by counsel to the Authority, such approval to be conclusively evidenced by the delivery thereof.

Section 10. The Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the certificate of authentication of the Trustee appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to or at the direction of the Underwriter, in accordance with

written instructions executed and delivered on behalf of the Authority by an Authorized Signatory, which any Authorized Signatory, acting alone, is hereby authorized and directed to execute and deliver such instructions to the Trustee. Such instructions shall provide for the delivery of the Bonds to or at the direction of the Underwriter in accordance with the Bond Purchase Agreement upon payment of the purchase price thereof.

Section 11. All actions heretofore taken by the officers and agents of the Authority with respect to the financing of the Project and the sale, issuance and delivery of the Bonds 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, a subordination and/or intercreditor agreement, any endorsement and/or assignment of the deed of trust, investment instructions related to the investment of moneys held under the Indentures, including SLGS and open market securities and such other documents as described in the Indentures, 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 issuance and delivery of the Bonds 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 12. 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 issuance of the Bonds, 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 Bonds or redemption of the Bonds, 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 Indentures, and other documents approved herein.

Section 13. This Resolution shall take effect upon its adoption.

**PASSED AND ADOPTED** by the California Statewide Communities Development Authority this October 6, 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 October 6, 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: Villa Verde Housing Partners, LP
2. Authority Meeting Date: October 6, 2022
3. Name of Obligations: Multifamily Housing Revenue Bonds Series 2022 K-1  
Multifamily Housing Revenue Bonds Series 2022 K-2  
Villa Verde Project
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): 4.663%.
  - [(B) The finance charge of the Obligations, which means the sum of all fees and charges paid to third parties: \$347,460.
  - [(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: \$9,382,540.
  - [(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): \$10,664,750
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, X 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: 9/29/22



## Agenda Item No. 5e

### Agenda Report

**DATE:** October 6, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Apple Tree Village Apartments

**PURPOSE:** Approve the Financing of Rental Affordable Housing Project Located in the City of Los Angeles, County of Los Angeles

**AMOUNT:** Not to Exceed \$3,000,000

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#### **EXECUTIVE SUMMARY:**

On April 9, 2020, CSCDA issued \$30,000,000 in multi-family housing revenue bonds for Apple Tree Village Apartments (the “Project”), a 125-unit rental affordable housing project located in the City of Los Angeles (the “City”). 100% of the units will be rent restricted for low-income tenants. The Project encountered unforeseen additional costs which were financed with a taxable loan. The Project sponsor is now seeking to replace the taxable loan with supplemental CSCDA issued tax-exempt bonds in order to remain in compliance with CDLAC’s 50% test, which requires that at least 50% of the project costs be financed with tax-exempt bonds.

#### **PROJECT DESCRIPTION:**

- Acquisition and rehabilitation of a 125-unit affordable rental housing facility located at 9229 N. Sepulveda Blvd. in the City of Los Angeles.
- 1.52-acre site.
- One residential building, community room, courtyard, parking and laundry rooms.
- Consists of 122 two and three-bedroom units and three manager units.

#### **PROJECT ANALYSIS:**

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

ABS Properties, Inc., (“ABS”) is an innovative boutique development firm whose lightning-quick responses allow it to thrive in today’s ever-changing real-estate environment. ABS’ commitment and professionalism has driven its growth and reputation over the past 10+ years as a premier



development firm in the City of Los Angeles. ABS has entered into developments ranging from large multi-family to mixed-income projects totaling over 600 units.

Just as commitment to quality has served to propel the precipitous growth of ABS, commitment to community is fundamental to the firm. ABS is aware of the community that it serves and works closely with notable non-profit community partners such as Grant AME, Ward AME, the Hollywood 7<sup>th</sup> Day Adventist Church, Hollywood Arts, PATH, Palms Residential Care Facility, Search for the Involvement of Philipino Americans (SIPA) and Levitt Pavilion for the Performing Arts MacArthur Park Los Angeles. The ABS team through its involvement in civic affairs, charitable work, and support for the arts play an active role in promoting the growth and revitalization of communities.

**Public Agency Approval:**

**TEFRA Hearing:** August 31, 2022 – City of Los Angeles

**CDLAC Approval:** June 15, 2022

**Public Benefits:**

- 100% of the units will be rent restricted for 55 years.
  - 100% (122 units) restricted to 50% or less of area median income households.
  - Three manager units.
- The Project is in walking distance to parks, recreational facilities, public schools, grocery stores and other retail establishments.

**Sources and Uses:**

Sources of Funds:

Tax-Exempt Bonds:	<u>\$ 2,800,000</u>
Total Sources:	\$ 2,800,000

Uses of Funds:

Refinance Taxable Loan:	<u>\$ 2,800,000</u>
Total Uses:	\$ 2,800,000

**Finance Partners:**

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

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

Private Placement Purchaser: Deutsche Bank

**Finance Terms:**

**Rating:** Unrated  
**Term:** 35 years  
**Method of Sale:** Private Placement  
**Closing:** October 15, 2022

**CSCDA Policy Compliance:**

The financing for 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. \_\_\_\_\_**

**A RESOLUTION OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY AUTHORIZING THE ISSUANCE AND DELIVERY OF MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000 FOR THE FINANCING OF A MULTIFAMILY RENTAL HOUSING PROJECT GENERALLY KNOWN AS APPLE TREE VILLAGE APARTMENTS; AUTHORIZING THE MODIFICATION OF CERTAIN DOCUMENTS ASSOCIATED WITH THE PRIOR ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS FOR APPLE TREE VILLAGE 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 SUCH BONDS**

**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 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**, the Authority previously issued its Multifamily Housing Revenue Bonds (Apple Tree Village Apartments) 2020 Series R (the “2020 Tax-Exempt Bonds”) in the aggregate principal amount of \$25,000,000 and its Multifamily Housing Revenue Bonds (Apple Tree Village Apartments) 2020 Series R-T (the “2020 Taxable Bonds” and together with the 2020 Tax-Exempt Bonds, the “2020 Bonds”) in the aggregate principal amount of \$5,000,000, pursuant to an Indenture of Trust, dated as of April 1, 2020 (the “Original Indenture”), by and between the Authority and U.S. Bank Trust Company, National Association, as successor in interest to U.S. Bank National Association, as trustee (the “Trustee”) and loaned the proceeds thereof to ABS Sepulveda, LP, a California limited partnership, and entities related thereto (collectively, the “Borrower”) pursuant to a Loan Agreement, dated as of April 1, 2020 (the “Original Loan Agreement”), by and among the Authority and the Borrower;

**WHEREAS**, the 2020 Bonds financed the acquisition, rehabilitation and development of a 125-unit multifamily rental housing development located in the City of Los Angeles (the “City”), County of Los Angeles, California, and known as Apple Tree Village Apartments (the “Project”), which allowed the Borrower to reduce the cost of the Project and to

assist in providing housing for low income persons pursuant to a Regulatory Agreement and Declaration of Restrictive Covenants, dated as of April 1, 2020 (the “Original Regulatory Agreement” and together with the Original Indenture, the Original Loan Agreement, the “2020 Bond Documents”), by and among the Authority, the Trustee and the Borrower, recorded concurrently with the issuance of the 2020 Bonds;

**WHEREAS**, the Borrower, has requested that the Authority issue and sell additional revenue bonds to assist in providing financing for the Project and modify the 2020 Bond Documents and the terms of the 2020 Bonds, in connection therewith;

**WHEREAS**, on June 15, 2022, the Authority received an allocation of private activity bond volume cap for the Project in the amount of \$2,800,000 (the “Allocation Amount”) from the California Debt Limit Allocation Committee (“CDLAC”);

**WHEREAS**, the City is a Program Participant (as defined in the Agreement) of the Authority and has authorized the issuance of the 2022 Bonds;

**WHEREAS**, the Authority is willing to issue not to exceed \$3,000,000 aggregate principal amount of its Multifamily Housing Revenue Bonds (Apple Tree Village Apartments) 2022 Series P (the “2022 Bonds” and together with the 2020 Bonds, the “Bonds”), provided that the aggregate portion of such 2022 Bonds issued as federally tax-exempt obligations shall not exceed the Allocation Amount, loan the proceeds thereof to the Borrower and make certain modifications to the 2020 Bond Documents and the terms of the 2020 Bonds to assist in providing additional financing for the Project, which will allow the Borrower to further reduce the cost of the Project and to assist in providing housing for low 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 on Exhibit A attached hereto;

**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 issuance of the 2022 Bonds and the modification of the terms of the 2020 Bonds, and such documents are now in substantial form and appropriate instruments to be executed and delivered for the purposes intended:

(1) First Amendment to Indenture of Trust (the “Amendment to Indenture” and together with the Original Indenture, the “Indenture”), to be entered into between the Authority and the Trustee;

(2) First Amendment to Loan Agreement (the “Amendment to Loan Agreement”), to be entered into between the Authority and the Borrower;

(3) First Amendment to Regulatory Agreement and Declaration of Restrictive Covenants (the “Amendment to Regulatory Agreement”), to be entered into among the Borrower, the Authority and the Trustee; and

(4) Bond Purchase Agreement (the “2022 Purchase Contract”) to be entered into among the Authority, the Borrower and Stern Brothers & Co., as placement agent (the “Placement Agent”), relating to the initial sale of the 2022 Bonds, including any sale of such 2022 Bonds to the purchaser thereof.

**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 Indenture, and in accordance with the Housing Law, the Authority is hereby authorized to issue one or more series of 2022 Bonds. The 2022 Bonds shall be designated as “California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (Apple Tree Village Apartments) 2022 Series P” with appropriate modifications and series and sub-series designations as necessary, in an aggregate principal amount not to exceed \$3,000,000; provided that the aggregate principal amount of any tax-exempt 2022 Bonds issued shall not exceed the Allocation Amount. The 2022 Bonds shall be issued in the form set forth in and otherwise in accordance with the Indenture, and shall be executed on behalf of the Authority by the facsimile signature of the Chair of the Authority or the manual signature of any Authorized Signatory (as defined below), and attested by the facsimile signature of the Secretary of the Authority, or the manual signature of any Authorized Signatory. The 2022 Bonds shall be issued and secured in accordance with the terms of the Indenture, including the Amendment to Indenture presented to this meeting, as hereinafter approved. Payment of the principal and purchase price of, and redemption premium, if any, and interest on, the 2022 Bonds shall be made solely from amounts pledged thereto under the Indenture, and the 2022 Bonds shall not be deemed to constitute a debt or liability of the Authority or any Program Participant or any member of the Commission of the Authority (each, a “Member”).

Section 3. The Amendment to Indenture 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 to deliver to the Trustee, the Amendment to Indenture 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 principal amount, date, maturity date or dates (which shall not extend beyond a date no greater than 45 years from issuance 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 redemption and other terms of the 2022 Bonds shall be as provided in the Amendment to Indenture as finally executed.

Section 4. The Amendment to 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 Amendment to 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 Amendment to 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 Authority is hereby authorized to sell the 2022 Bonds to the Placement Agent or its designee pursuant to the terms and conditions of the 2022 Purchase Contract. The form, terms and provisions of the 2022 Purchase Contract in the form presented at this meeting are hereby approved and any Authorized Signatory, acting alone, is authorized to execute by manual signature and deliver the 2022 Purchase Contract 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 hereby approved by counsel to the Authority, such approval to be conclusively evidenced by the delivery thereof.

Section 7. The 2022 Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the 2022 Bonds by executing the certificate of authentication of the Trustee appearing thereon, and to deliver the 2022 Bonds, when duly executed and authenticated, to or at the direction of the Placement Agent, in accordance with written instructions executed and delivered on behalf of the Authority by an Authorized Signatory, which Authorized Signatory, acting alone, is hereby authorized and directed to execute and deliver such instructions to the Trustee. Such instructions shall provide for the delivery of the 2022 Bonds to or at the direction of the Placement Agent in accordance with the 2022 Purchase Contract upon payment of the purchase price thereof.

Section 8. All actions heretofore taken by the officers and agents of the Authority with respect to the financing of the Project and the sale and issuance of the 2022 Bonds, the modification of 2020 Bond Documents and the terms of the 2020 Bonds 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 or supplement thereto, a subordination or intercreditor agreement, any endorsement, allonge and/or assignment of any note or the deed of trust, any certificates, agreements or other documents required by the City or its affiliates and such other documents as described in the Indenture or the 2022 Purchase Contract, and the other documents herein approved, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the 2022 Bonds, the modification of the 2020 Bond Documents and the terms of the 2020 Bonds 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 issuance of the 2022 Bonds, the modifications of the 2020 Bond Documents and the terms of the 2020 Bonds, 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 Bonds or any redemption of the Bonds, 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 Indenture, and other documents approved herein.

This Resolution shall take effect upon its adoption.

**PASSED AND ADOPTED** by the California Statewide Communities Development Authority this 6th day of October 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 October 6, 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: **ABS Sepulveda, LP**
2. Authority Meeting Date: **October 6, 2022**
3. Name of Obligations: **\$2,800,000 California Statewide Communities Development Authority Multifamily Housing Revenue Bonds (apple Tree Village Apartments) 2022 Series P**
4. Deutsche Bank Securities Inc.  Private Placement Lender or Bond Purchaser, Walker and Dunlop LLP  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): **6.75%**.
  - [(B) The finance charge of the Obligations, which means the sum of all fees and charges paid to third parties: **\$553,000**.
  - [(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: **\$2,247,000**.
  - [(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): **\$189,000**.

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, X 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: 10/03/22



## Agenda Item No. 5f

### Agenda Report

**DATE:** October 6, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Residence Inn - Berkeley

**PURPOSE:** Authorize the issuance of commercial PACE bonds to finance energy efficiency improvements, water conservation improvements, and seismic resiliency.

**AMOUNT:** Not to Exceed \$84,500,000

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#### **EXECUTIVE SUMMARY:**

Berkeley Downtown Hotel Owner LLC, a Delaware limited liability company (d/b/a Residence Inn Berkeley), is seeking PACE financing to finance retroactive costs and improvements associated with a recently built 331-key full-service hotel at 2121 Center Street, Berkeley, California 94704.

#### **PROJECT ANALYSIS:**

##### **About the Project:**

CSCDA will finance retroactive energy efficiency improvements, water conservation improvements, seismic resilience improvements, plus related scope, indirect and soft costs, for the building located at 2121 Center Street, Berkeley, California 94704. The financing will be taxable and be funded through the PACE assessment. See Attachment A for details of the improvements being financed.

##### **Public Agency Approval:**

TEFRA approval is not required as the financing falls into the category of PACE and not tax-exempt private activity bonds. The City of Berkeley approved CSCDA levying assessments under PACE on April 7, 2015.

##### **Sources and Uses:**

Sources of Funds:	
Par Amount of Bonds:	\$83,424,791.00
Total Sources:	<u>\$83,424,791.00</u>

Use of Funds:

Improvements Fund:	\$73,500,000.00
Capitalized Interest Fund:	8,812,667.00
Costs of Issuance Fund:	758,624.00
Administrative Expense Fund:	353,500.00
Total Uses:	<u>\$83,424,791.00</u>

**Finance Partners:**

PACE Counsel:	Orrick, Herrington & Sutcliffe, San Francisco, California
PACE Assessment Administrator:	DTA Finance, Newport Beach, California
PACE Energy Audit:	Asset Environments, Omaha, Nebraska
Capital Provider:	North Bridge
Private Placement Purchaser:	Blackstone Real Estate Debt Strategies, New York, NY

**Finance Terms:**

Term:	25 years at a fixed interest rate
Structure:	Private Placement
Estimated Closing:	October 14, 2022

**CSCDA Policy Compliance:**

The financing complies with CSCDA's general, issuance and PACE policies.

**DOCUMENTS:**

<https://www.dropbox.com/sh/z3qrljgszwd14no/AAB6EXvyIADMrR4U1KPlvya9a?dl=0>

**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**

#	Facility Improvement Measure (FIM)	Construction Cost (\$)	Soft Costs (\$)	Net Cost (\$)	Estimated Useful Life (Years)	Meets or Exceeds Code
1	LED Lighting - Interior	\$12,391,664	\$2,482,308	\$ 14,873,972	20	Exceeds
2	LED Lighting - Exterior	\$2,478,333	\$496,462	\$ 2,974,794	20	Exceeds
3	High Efficiency HVAC Systems	\$18,946,650	\$3,795,408	\$ 22,742,058	25	Exceeds
4	Low-Flow Plumbing Fixtures	\$6,316,093	\$1,265,245	\$ 7,581,337	20	Exceeds
5	High Efficiency DHW System	\$1,263,219	\$253,049	\$ 1,516,267	20	Exceeds
6	Roof Construction	\$1,608,080	\$372,286	\$ 1,980,367	30	Exceeds
7	Wall Construction	\$4,790,249	\$1,108,990	\$ 5,899,239	40	Meets
8	Low U-Value Windows	\$8,458,988	\$1,694,511	\$ 10,153,499	30	Exceeds
9	Seismic Resiliency	\$4,246,838	\$850,730	\$ 5,097,568	40	Meets
11	Elevators	\$3,600,387	\$721,232	\$ 4,321,620	30	Meets
<b>Totals</b>		<b>\$ 64,100,500</b>	<b>\$ 13,040,221</b>	<b>\$ 77,140,721</b>	<b>26.5</b>	
						(weighted ave.)



## Agenda Item No. 6

### Agenda Report

**DATE:** October 6, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PURPOSE:** Consideration of resolution approving the issuance of CFD No. 2015-01, Improvement Area No. 3 (University District) Special Tax Bonds, Series 2022, authorizing the execution and delivery of related documents, and authorizing related actions.

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#### **BACKGROUND:**

University District is the development of 270 acres and 1,236 single family residences in the City of Rohnert Park. Bonds in the amount of \$10,900,000 were issued by CSCDA for Improvement Area No. 1 in 2016 which consists of 399 single family homes. Bonds were issued for Improvement Area No. 2 in 2017 in the amount of \$14,500,000 for 409 single family homes. The Series 2020 for Improvement Areas Nos. 1 & 2 were issued in amount of \$6,900,000 for the additional 428 single family homes. The project is adjacent to Sonoma State University. (See Attachment A)

Improvement Area 3 is anticipated to issue bonds in the amount not-to-exceed \$11,000,000 for an additional 206 single-family homes.

#### **Finance Partners:**

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

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

Underwriter: RBC Capital Markets, San Francisco

Special Tax Consultant: David Taussig & Associates, Newport Beach

#### **SB 450 Good Faith Estimates:**

1. TIC: 5.674%
2. Sum of all fees and charges paid to third parties: \$496,400

3. Net Proceeds: \$8,141,664
4. Total Net Debt Service (+Annual Fees): \$19,540,368

**ESTIMATED SOURCES & USES:**

**Estimated Sources and Uses of Funds**

**Sources of Funds**

Par Amount	\$9,590,000
Premium	(140,772)
<b>Total Sources</b>	<b>\$9,449,228</b>

**Uses of Funds**

Deposit to Project Fund	\$8,141,664
Capitalized Interest Fund	149,064
Debt Service Reserve Fund	662,100
Costs of Issuance	304,600
Underwriter's Discount	191,800
<b>Total Uses</b>	<b>\$9,449,228</b>

**RECOMMENDED ACTIONS:**

CSCDA's Executive Director recommends that the Commission approve the following resolution and related documents:

1. A resolution approving the issuance of the California Statewide Communities Development Authority Community Facilities District No. 2015-01, Improvement Area No. 3 (University District) Special Tax Bonds, Series 2022, in an aggregate principal amount not to exceed \$11,000,000; authorizing the execution and delivery of an 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/99jia3ighydhkbl/AADs0bhyD71FYipGj-iXIvgya?dl=0>



**ATTACHMENT A**





## **Agenda Item No. 7**

### **Agenda Report**

**DATE:** October 6, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PURPOSE:** Consider the following resolutions to initiate proceedings to form Statewide Community Infrastructure Program Community Facilities District No. 2022-11 (Caselman South) County of Sacramento, State of California:

- a. A resolution approving a joint community facilities agreement and declaring intention to establish California Statewide Communities Development Authority Statewide Community Infrastructure Program Community Facilities District No. 2022-11 (Caselman South) County of Sacramento, State of California, and to levy special taxes therein to finance certain development impact fees; and
- b. A resolution to incur bonded indebtedness to finance certain public improvements and certain development impact fees to mitigate the impacts of development within California Statewide Communities Development Authority Statewide Community Infrastructure Program Community Facilities District No. 2022-11 (Caselman South) County of Sacramento, State of California and calling for a public hearing.

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

The action requested today by the Commission is the first step in connection with a Community Facilities District (CFD) project expected to be included in the SCIP 2022C pool. The documents related to the Caselman South project located in Sacramento County were not ready for the September 29, 2022 meeting.

#### Project Summary:

- 90 single-family homes to be located in the County of Sacramento
- Beazer Homes is the developer
- Approximately \$2.2MM in roadway, sewer and sanitation fees are proposed to be financed.

The resolutions/notices include the following actions:

1. A resolution approving a joint community facilities agreement and declaring intention to establish California Statewide Communities Development Authority Statewide Community Infrastructure Program Community Facilities District No. 2022-11 (Caselman South) County of Sacramento, State of California, and to levy special taxes therein to finance certain development impact fees; and
2. A resolution to incur bonded indebtedness to finance certain public improvements and certain development impact fees to mitigate the impacts of development within California Statewide Communities Development Authority Statewide Community Infrastructure Program Community Facilities District No. 2022-11 (Caselman South) County of Sacramento, State of California.
3. Setting the public hearing of protests and providing property owner ballots for November 17, 2022 at 2:00 pm. This will be the same public hearing date for the 2022C pool approved on September 29, 2022.

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 November 17, 2022 at 2:00 pm.

Documents:

<https://www.dropbox.com/sh/yvc2dvvd7suq38t/AADJfnpr4A7WxDaVyFHFBSr2a?dl=0>



## Agenda Item No. 8

### Agenda Report

**DATE:** October 6, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PROJECT:** Espana (City of Indio) – Community Facilities District

**PURPOSE:** Conduct the second reading of and adopt “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. 2022-09 (Espana), City of Indio, County of Riverside, State of California.”

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#### EXECUTIVE SUMMARY:

- On August 4, 2022 the Commission initiated proceedings for the Espana CFD;
- On September 15, 2022 the public hearing was held and the first reading of the ordinance was completed.
- The action requested today is the last step in the formation of the Espana Community Facilities District (CFD) located in Indio, California (the “City”), wherein conducting the second reading of the ordinance.
- The CFD is being formed to finance public facilities and fees with City and the Coachella Valley Water District (“CVWD”). The City and CVWD have both approved the formation of the CFD by CSCDA.

#### BACKGROUND:

GID Espana LLC (“Developer”) is developing approximately 98 acres planned for approximately 318 single family homes within the boundaries of the City and CVWD. The Developer is proposing the formation of the CFD to fund City and CVWD fees and improvements applicable to the Project. As shown on the attached Attachment A, the Project is located east of Adams Street between Avenue 39 and Avenue 40 in the City of Indio. The Project has an approved tentative map and is the second phase of the larger Espana project of which Phase 1 is currently being developed. The construction and sales of homes will be by Lennar Homes.

Lennar Homes is a publicly traded residential homebuilder. Since 1954, Lennar has built over one million new homes for families across the U.S. They build in some of the nation’s most popular cities, and the communities cater to all lifestyles and family dynamics, whether a first-time or move-up buyer, multi-generational family, or active adult.

The financing will not exceed \$12,000,000 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 the Commission conduct the second reading by title only of and adopt "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. 2022-09 (España), City of Indio, County of Riverside, State of California."

Documents: <https://www.dropbox.com/sh/oknt70u6kwo7ye1/AACp5x7fmb633pRoSzEJUt0Pa?dl=0>



## **Agenda Item No. 9**

### **Agenda Report**

**DATE:** October 6, 2022

**TO:** CSCDA COMMISSIONERS

**FROM:** Cathy Barna, Executive Director

**PURPOSE:** Consideration of a Joint Exercise of Powers Agreement between CSCDA and the City of Laguna Beach

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#### **EXECUTIVE SUMMARY:**

The City of Laguna Beach (the “City”) has requested that CSCDA enter into a new joint exercise of powers agreement, creating the Laguna Beach Financing Authority, to assist with the financing of capital improvement projects for the City.

#### **BACKGROUND & SUMMARY:**

The City is interested in financing various capital projects within its boundaries. A bond financing is being considered and the bonds will be issued by a joint powers authority. In order to form a joint powers authority, the City needed to find an eligible public entity to be the counterparty to a joint exercise of powers agreement. The City will be initially acquiring a 6.5-acre former school site to provide additional services to the community. The site may include a cultural arts center, a public pool, a police sub-station and a parking structure.

- After approval by City Council and the CSCDA Commission, the City and CSCDA will enter into the Joint Powers Agreement to form the Laguna Beach Financing Authority (the “Authority”). CSCDA will have no other role in the proposed bond financing.
- The governing board of the Authority will consist of the members of the City Council. The administration and operation of the Authority will be provided by City staff.
- CSCDA will be the only other member to the Authority. Standard limitations on liability and indemnification are contained in the Joint Exercise of Powers Agreement between the City and CSCDA.

- CSCDA has previously entered into similar 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, El Toro Water District, and City of St. Helena in connection with similar financings.
- CSCDA will charge the City its standard facilitation fee of \$10,000.
- Jones Hall is serving as bond counsel. CSCDA's General Counsel has reviewed the Joint Exercise of Powers Agreement.

**RECOMMENDED ACTION:**

CSCDA's Executive Director recommends that the Commission approve the resolution to authorize CSCDA to enter into the joint exercise of powers agreement by and between CSCDA and the City of Laguna Beach.

Documents: <https://www.dropbox.com/sh/m5ugk6nvc227b30/AAeVETBn-1kdpqPHqhLYwI2a?dl=0>



## Agenda Item No. 10

### Agenda Report

**DATE:** October 6, 2022  
**TO:** CSCDA COMMISSIONERS  
**FROM:** Cathy Barna, Executive Director  
**PURPOSE:** 2021-22 Financials and Bank Account Activity

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CSCDA's bank account activity and budget to actual figures for FY 2021-22 are provided on the attached financial reports.

#### **FY 2021-22 BUDGET REPORT:**

The budget report provides FY 2020-21 actual figures for CSCDA, 2021-22 budget information, and actual figures through June 30, 2022. The variances represent 2021-22 budget figures compared to actual amounts received or disbursed through June 30, 2022. A variance of 100% reflects that the amount was on target for the fiscal year while variances below 100% were below budget and variances above 100% were above budget.

1. **Issuance Fee Receipts** - Issuance fees received were \$5.6 million which represented 84% of the annual budget, or \$1.1 million below the annual budget amount.
  - **Qualified 501(c)(3)** issuance fees were at 125% of the amount budgeted for the fiscal year and over budget by about \$63 thousand.
  - **Affordable Housing** was above budget at 254% of the amount budgeted for the fiscal year, representing \$540 thousand above the annual budget amount.
  - **PACE** generated approximately \$2.65 million in fees representing 66% of the amount budgeted for the year. The decrease is primarily due to delays and cancellations of large commercial PACE projects.
  - **SCIP/CFD** issuance fees were at 86% of the amount budgeted for the fiscal year, representing \$280 thousand below the annual budget amount. Delays in some standalone CFDs represent the decrease and should be made up in 2022-23.
  - **Other Municipal Bond Programs** were at 80% of the annual budget amount, generating \$40 thousand in fees.
2. **Bond Administrative Fee Receipts** - Bond administrative fee collections were \$8.79 million for 2021-22, or 95.3% of the amount budgeted for the year.
3. **Issuance Fee Disbursements** - Issuance fee disbursements were \$5.6 million representing 84% of the amount budgeted for the year.
4. **Bond Administration Fee Disbursements** - Bond Administration Fee Disbursements were \$8.5 million at 98% of the amount budgeted for the year, which reflects a normal delay in disbursements over the fiscal year.



5. **General Administrative** - General Administrative disbursements equal to \$475 thousand were made representing 95% of the annual budget.

**BANK ACCOUNT ACTIVITY:**

CSCDA's fee collections are disbursed monthly after funding the professional services and operations accounts. Receipts, disbursements and balances as of June 30, 2022 in the two accounts are provided below.

1. **Professional Services Account**

- Deposits of \$448 thousand and disbursements of \$471 thousand have been made through the fiscal year.
- The beginning balance on July 1, 2021 was \$113 thousand, less \$23 thousand in disbursements over receipts equates to an ending balance as of June 30, 2022 of \$90 thousand.

2. **Operations Account**

- The balance as of July 1, 2021 was \$213 thousand and disbursements of \$38 thousand were made for the Verity Settlement. The ending balance as of June 30, 2022 was \$175 thousand.

**SUMMARY AND QUESTIONS**

CSCDA staff and League accounting personnel are available to respond to any questions the Commissioners may have about the attached FY 2021-22 financial reports.

**CSCDA**  
**Budget-to-Actual Comparison for the Twelve Months Ended June 30, 2022**

	Actual 2020-21	Budget 2021-22	YTD 2021-22	Variance 2021-22
<b>Additions</b>				
Issuance fees				
Qualified 501 (c)(3)	395,850	250,000	313,015	125.21%
Qualified residential rental program	712,396	350,000	890,819	254.52%
PACE	3,989,522	4,000,000	2,646,281	66.08%
SCIP / Mello Roos	2,056,950	2,000,000	1,720,625	86.03%
Other municipal bond programs	56,041	50,000	40,000	80.00%
Investment income	97,636	0	959	
Total issuance fees	<u>7,308,395</u>	<u>6,650,000</u>	<u>5,611,699</u>	84.39%
Bond administrative fees				
Qualified 501 (c)(3)	1,735,826	1,600,000	1,626,085	101.63%
Qualified residential rental program	6,962,392	6,750,000	6,486,298	96.09%
SCIP / Mello Roos	591,738	650,000	691,728	106.42%
Other municipal bond programs	233,376	225,000	153,140	68.06%
Investment income	(75,180)	0	(166,902)	
Total bond administrative fees	<u>9,448,153</u>	<u>9,225,000</u>	<u>8,790,349</u>	95.29%
<b>Total additions</b>	<b>16,756,548</b>	<b>15,875,000</b>	<b>14,402,047</b>	90.72%
<b>Deductions</b>				
Issuance				
Program management fees - BSP	3,513,607	3,176,000	2,826,521	89.00%
Program governance fees - CSAC	1,848,577	1,737,000	1,392,109	80.14%
Program governance fees - League	1,848,577	1,737,000	1,392,109	80.14%
Total issuance	<u>7,210,760</u>	<u>6,650,000</u>	<u>5,610,740</u>	84.37%
Bond administration				
Program administration fees - BSP	1,033,726	950,000	1,173,548	123.53%
Compliance/portfolio monitoring fees - BSP	502,555	500,000	569,327	113.87%
Prior administration fees - HB Capital	4,012,144	3,900,000	3,374,989	86.54%
Program governance fees - CSAC	1,670,427	1,600,000	1,622,238	101.39%
Program governance fees - League	1,670,427	1,600,000	1,622,238	101.39%
Compliance fees - Urban Futures	184,800	175,000	184,750	105.57%
Total bond administration	<u>9,074,079</u>	<u>8,725,000</u>	<u>8,547,091</u>	97.96%
Subtotal Issuance & Bond Administration	<u>16,284,840</u>	<u>15,375,000</u>	<u>14,157,831</u>	92.08%

**CSCDA**  
**Budget-to-Actual Comparison for the Twelve Months Ended June 30, 2022**

	<b>Actual</b>	<b>Budget</b>	<b>YTD</b>	<b>Variance</b>
	<b>2020-21</b>	<b>2021-22</b>	<b>2021-22</b>	<b>2021-22</b>
General administrative				
Executive Director	60,750	72,000	60,600	84.17%
General Counsel - Richards Watson Gershon	220,879	150,000	108,964	72.64%
Insurance	28,768	30,000	32,372	107.91%
Board travel reimbursements	15	2,000	1,591	79.57%
Issuer counsel - Orrick	100,000	100,000	75,000	75.00%
Auditor - MUN CPAs	15,900	20,000	15,900	79.50%
Other professional services	4,812	5,000	3,876	77.53%
BSP municipal advisor fee	24,000	24,000	24,000	100.00%
Bank service fees	6,300	7,000	4,725	67.50%
Marketing and Sponsorships	14,940	40,000	52,564	131.41%
Annual meeting	4,402	45,000	55,877	124.17%
Other	1,700	5,000	40,108	802.16%
Total general administrative	<u>482,467</u>	<u>500,000</u>	<u>475,577</u>	<u>95.12%</u>
<b>Total deductions</b>	<u><b>16,767,306</b></u>	<u><b>15,875,000</b></u>	<u><b>14,633,408</b></u>	<u><b>92.18%</b></u>
<b>Net surplus (deficit)</b>	<u><b>(10,758)</b></u>	<u><b>(0)</b></u>	<u><b>(231,360)</b></u>	

**CSCDA**  
**Bank Account Activity**  
**For the Twelve Months Ended June 30, 2022**

	<b>Beg Bal</b> <b>06/30/21</b>	<b>Add:</b> <b>Deposits</b>	<b>Less:</b> <b>Disbursements</b>	<b>End Bal</b> <b>06/30/22</b>
<b>Bank account:</b>				
Professional Services	113,072	448,549	(471,308)	90,313
Operations	213,267	60	(38,378)	174,949
	-----	-----	-----	-----
	326,339	448,610	(509,686)	265,262
	=====	=====	=====	=====



**CSCDA**  
COMMUNITY IMPROVEMENT  
AUTHORITY



## **REGULAR MEETING AGENDA**

**October 6, 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	_____	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 September 1, 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).

October 6, 2022



## MINUTES

### REGULAR MEETING OF THE CSCDA COMMUNITY IMPROVEMENT AUTHORITY

**September 1, 2022**  
**2:00 PM or upon adjournment of the CSCDA meeting**

Commission Chair Tim Snellings called the meeting to order at 2:24 pm.

1. Roll Call.

Board members participating via teleconference: Tim Snellings, Brian Moura, Kevin O'Rourke, Jordan Kaufman, 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 Coppinger, Cal Cities.

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

The Commission approved the Minutes of the August 4, 2022 meeting.

***Motion to approve by M. Raines. Second by B. Moura. 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 K. O'Rourke. Second by J. Kaufman. 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 2:27p.m.

Submitted by: Sendy Young, CSAC Finance Corporation





## **Agenda Report**

**DATE:** October 6, 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.



**CSCDC**  
 CALIFORNIA STATEWIDE COMMUNITIES  
 DEVELOPMENT CORPORATION



California State Association of Counties



LEAGUE OF  
 CALIFORNIA  
 CITIES

**MEETING AGENDA**

**October 6, 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 September 15, 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).

October 6, 2022



**CSCDC**  
CALIFORNIA STATEWIDE COMMUNITIES  
DEVELOPMENT CORPORATION



## MINUTES

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

**September 15, 2022**

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

Board President Tim Snellings called the meeting to order at 2:15pm.

1. Roll Call.

Board members participating via teleconference: Tim Snellings, Brian Moura, Kevin O'Rourke, 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; Norman Coopinger, Cal Cities; Sedy Young, CSAC Finance Corporation; and Trisha Ortiz, Richards Watson.

2. Consideration the Minutes of the September 1, 2022 Regular Meeting.

The Board of Directors approved the Minutes of the September 1, 2022.

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

3. Public Comment.

There was no public comment.

4. 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 17 LLC to GANAS, LLC (Fireclay Tile Company), unincorporated County of San Benito, California.

The Board approved the financing for the Qualified Low Income Community Investments by CSCDC 17 LLC to GANAS, LLC (Fireclay Tile Company).

***Motion to approve by B. Moura. Second by K. O'Rourke. Unanimously approved by roll-call vote.***

5. Executive Director Update.

Executive Director Barna had no update.

6. Staff Update.

Staff had no update.

7. Adjourn.

The meeting was adjourned at 2:22 p.m.

Submitted by: Sendy Young, CSAC Finance Corporation



## Agenda Item No. 3

### Agenda Report

**DATE:** October 6, 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.