

RESOLUTION NO. 2019-213

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING USE OF THE BOND OPPORTUNITIES FOR LAND DEVELOPMENT (BOLD) PROGRAM, AND AUTHORIZING THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT PROCEEDINGS AND LEVY SPECIAL TAXES WITHIN THE TERRITORY OF THE CITY PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, AS AMENDED, AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Municipal Finance Authority (the “CMFA”) is a joint exercise of powers authority the members of which include numerous cities, counties and other local agencies in the State of California (the “State”); and

WHEREAS, the City is a member of CMFA and has approved, in accordance with the City’s Land Secured Financing Policy No. 1500-006 dated May 22, 2019 (the “Land Secured Financing Policy”), use of CMFA’s Bond Opportunities for Land Development (“BOLD”) Program to provide financing for development projects within the boundaries of the City; and

WHEREAS, the BOLD Program allows financing for development projects through the levy of special taxes under the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”) of certain public facilities and development impact fees that finance public facilities (together, the “Improvements”) to be owned by local agencies in the State, as well as maintenance and services related thereto; and

WHEREAS, the BOLD Program creates an opportunity for new developments to utilize financing of Improvements for construction and/or acquisition by the City, and maintenance and services related thereto, without the necessity of the City creating and administering the community facilities district; and

WHEREAS, the City desires to allow the owners of property being developed within its jurisdiction (“Participating Developers”) to participate in the BOLD Program and to allow the CMFA to conduct proceedings under the Act to form community facilities districts (“CFDs”) under the Act, to levy special taxes within such CFDs, and to issue bonds secured by such special taxes under the Act to finance Improvements, provided that such Participating Developers voluntarily agree to participate and consent to the levy of such special taxes and the issuance of such bonds; and

WHEREAS, eligible property owners within the jurisdiction of the City may in the future elect to be Participating Developers, and the CMFA may conduct proceedings under the Act to form a CFD, levy special taxes within such CFD and issue bonds secured by such special taxes to finance Improvements; and

WHEREAS, the City will not be responsible for the conduct of any proceedings under the Act for the formation of any CFD; the levy or collection of special taxes for any CFD or any required remedial action in the case of delinquencies in any special tax

payments; or the issuance, sale or administration of any bonds issued in connection with the BOLD Program; and

WHEREAS, pursuant to Government Code Section 6586.5, notice was published at least five days prior to the adoption of this resolution at a public hearing, which was duly conducted by this City Council concerning the significant public benefits of the BOLD Program and the financing of the Improvements.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

Section 1. The use of the BOLD Program in connection with the financing of Improvements, including maintenance and services related thereto, is hereby authorized and approved, subject to compliance with the City's Land Secured Financing Policy. The appropriate officials and staff are hereby authorized and directed to allow BOLD Program participation to be available to property owners who are subject to the payment of fees for new development and/or who are conditioned to install public improvements in connection with new development.

Section 2. The City Council hereby finds and declares that the issuance of bonds by the CMFA in connection with the BOLD Program will provide significant public benefits, including without limitation, savings in effective interest rate, bond preparation, bond underwriting and bond issuance costs and the more efficient delivery of local agency services to residential and commercial development within the City.

Section 3. In connection with the issuance of bonds by the CMFA for the BOLD Program, a form of acquisition agreement, joint community facilities agreements or similar agreement will be required to be entered into, and the Mayor, City Manager, Director of Finance and Administrative Services or the designee of any of them (each, an "Authorized Officer") is hereby delegated authority to enter into such an acquisition agreement, joint community facilities agreements, or similar agreement for and on behalf of the City.

Section 4. The Authorized Officers and other appropriate City staff are hereby authorized and directed to allow and approve BOLD Program participation available to all property owners who are subject to the payment of fees for new development and/or who are conditioned to install public improvements in connection with new development, and to advise such owners requesting participation in the BOLD Program that the City has approved the BOLD Program; provided, that the CMFA shall be responsible for providing applications and processing of documentation and related materials at its own expense.

Section 5. This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the CMFA.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of September 2019




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JENNIFER ALVES,
ASSISTANT CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-213

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 25, 2019 by the following vote:

AYES: COUNCILMEMBERS: *Ly, Hume, Detrick, Nguyen, Suen*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



Jason Lindgren, City Clerk
City of Elk Grove, California