

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSÉ APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$45,000,000 TO FINANCE A 130-UNIT MULTIFAMILY RENTAL HOUSING FACILITY FOR THE BENEFIT OF SJ AUZERAIS, L.P. OR AN AFFILIATE OF EDEN HOUSING, INC., AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, Eden Housing, Inc. (the “Sponsor”), on behalf of the SJ Auzerais, L.P., a California limited partnership, or another entity to be created by the Sponsor or an affiliate of the Sponsor (such limited partnership or other entity being referred to herein as the “Borrower”), has requested that the California Municipal Finance Authority, a joint powers agency established pursuant to the laws of the State of California (the “Authority”) issue one or more series of tax-exempt multifamily housing revenue bonds in an aggregate principal amount not to exceed \$45,000,000 (the “Bonds”), including but not limited to revenue bonds issued as part of a plan to (1) finance and refinance the acquisition, construction, improvement and equipping of a new 130-unit multifamily rental housing facility (the “Project”), to be owned and operated by the Borrower and located at 425 Auzerais Avenue, 429 Auzerais Avenue, 433 Auzerais Avenue, 435 Auzerais Avenue, 437 Auzerais Avenue, and 383 Delmas Avenue, San Jose, California and (2) pay certain expenses in connection with the issuance of the Bonds; and

WHEREAS, the Authority is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the “Agreement”), among certain local agencies throughout the State of California, including the City of San José (the “City”), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, the issuance of the Bonds must be approved by the applicable elected representative of the governmental unit having jurisdiction over the territorial limits in which the Project is located after a public hearing held following reasonable public notice pursuant to the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the Project is located wholly within the territorial limits of the City and the Council of the City (the “City Council”) is the elected legislative body of the City and is an “applicable elected representative” for purposes of Section 147(f) of the Code; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Agreement; and

WHEREAS, on July 16, 2021, a notice appeared in the San Jose Post-Record, which is a newspaper of general circulation in the City of San José, stating that a public hearing with respect to the issuance of the Bonds would be held by the City Council on August 10, 2021; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council held the public hearing described above on August 10, 2021, and an opportunity was provided for persons to comment on the issuance of the Bonds and the financing and refinancing of the Project and now desires to approve the issuance of the Bonds by the Authority; and

WHEREAS, it is intended that this Resolution shall comply with the public approval requirements of Section 147(f) of the Code; provided, however, that this Resolution is neither intended to nor shall it constitute an approval by the City Council for any other purpose, including, but not limited to, compliance with the California Environmental Quality Act (California Public Resources Code, Section 21100, et seq.) (“CEQA”);

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF SAN JOSÉ AS FOLLOWS:

Section 1. The City Council hereby finds and determines that all of the foregoing recitals are true and correct.

Section 2. The City Council as the “applicable elected representative” of the governmental unit on behalf of which the Bonds will be issued and having jurisdiction over the area in which the Project is located, hereby approves the issuance of the Bonds by the Authority, including but not limited to Bonds issued as part of a plan to finance and refinance the Project described herein. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds by the Authority for the Project, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of a governmental unit having jurisdiction over the area in which the Project is to be located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 4. This resolution shall take effect immediately upon its adoption.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk