



County of Sonoma

State of California

Date: May 14, 2019

Item Number: _____
Resolution Number: _____

☐ 4/5 Vote Required

Concurrent Resolution Of The Board Of Supervisors Of The County Of Sonoma, And Board Of Commissioners Of The Sonoma County Community Development Commission Authorizing (1) The Issuance And Sale Of A Note In The Principal Amount Not To Exceed \$2,520,000 To Facilitate The Financing of the Purchase of 2150 W. College.

Whereas, on April 4, 2017, the Board of Supervisors adopted its strategic priorities for the County of Sonoma ("County"), which included the *Housing for All* priority;

Whereas, the Commission purchased the Property at 2150 W. College Avenue for its appraised value to develop much needed housing, but was in need of a cash advance in order to do so;

Whereas, the Commission asked that the County issue a note on its behalf in the principal amount of \$4,200,000 ("Note") and proposed to repay the Note from revenue from the County Fund for Housing over a period not to exceed 5 years;

Whereas, the Treasurer for the County is authorized pursuant to Government Code Section 53601(d) to invest in the Note and desires to loan such funds to the County using Treasury Pool funds;

Whereas, the County is authorized pursuant to Government Code Section 53850 *et seq.* to borrow money on a temporary basis, provided such borrowed amount does not exceed eighty-five percent (85%) of the estimated amount of anticipated revenues that will be used to pay back the loan; and

Whereas, because the County is only able to issue short-term debt, staff requested that the Board of Supervisors authorize successive short-term (1-year) notes to refinance any balance of the loan that remains at the end of each loan year up to a maximum of 4 additional notes, for a total of 5 notes over 5 years;

Whereas, if the County is unwilling or unable to issue new debt in any subsequent year, the County would nonetheless be responsible for repayment of the Note using any available funds, including the General Fund;

Whereas, the County intends to allocate sufficient funds to repay the Note on an annual basis to the County Fund for Housing, with which the Commission would repay the Note balance;

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma, and the Board

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of Commissioners of the Sonoma County Community Development Commission hereby find, determine, declare, and order as follows:

1. Truth of Recitals. That the foregoing recitals are true and correct.
2. The Note. The \$2,520,000 Note authorized by this Resolution shall be designated "2019 Series 1" Note and is being issued pursuant to the provisions of Government Code Section 53850 *et seq.* The amount of the Note is less than eighty-five (85%) of the estimated revenue the County anticipates receiving in this fiscal year from certain revenues that will be used to pay back the Note.
3. Security. The account receivable constituting the security on which the Note is being issued is the anticipated revenue from County Fund for Housing. In addition, the County pledges to pay the Note from any all revenue lawfully available to the County for repayment.
4. Authorization to Borrow and Issue Note. Pursuant to the provisions of Section 53850 and following Government Code, the County shall borrow the principal sum not to exceed \$2,520,000 and shall issue a single principal amount Note to evidence said indebtedness, which Note is hereby authorized to be issued for the purpose hereinabove set forth. The Board delegates to the County Administrator the authority to sell and deliver the Note to the County Treasurer in exchange for the principal sum not to exceed \$2,520,000. The Note shall be issued in registered form, shall be dated June 15, 2019, and shall mature on June 15, 2020. The Note shall bear interest at the rate earned by funds invested by the Sonoma County Treasurer in his "pooled investment account" as calculated in the most recent calendar quarter, plus 75 basis points rounded to the nearest tenth, not to exceed 2.5 percent. Payment shall be due at the time of maturity of the note. The interest on principal of the Note shall be payable in lawful money of the United States of America at the office of the County Treasurer of Sonoma County, California.
5. Note to be callable and redeemable. The Note shall be callable and redeemable in whole or in part at any time following its issuance and before maturity by the Board giving the registered owner of the Note thirty (30) days' prior written notice. The price of redemption shall be the prorated unpaid balance of principal and accrues interest at the date of redemption without penalty or premium.
6. Form of Note: The Note shall be substantially the following form:

UNITED STATES OF AMERICA
STATE OF CALIFORNIA
COUNTY OF SONOMA
COMMUNITY DEVELOPMENT COMMISSION
SERIES 2018 SONOMA COUNTY
(SUBJECT TO CALL AND REDEMPTION)

NOTE

No. 2019-1

\$2,520,000

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The County of Sonoma, duly organized and existing under and pursuant to the Constitution and laws of the State of California, for value received hereby promises to pay to the registered owner the principal sum, not to exceed, of \$2,520,000 on June 15, 2020, and to pay interest on such principal sum from the date hereof at the rate earned by funds invested by the Sonoma County Treasurer in his "pooled investment account" as calculated in the most recent calendar quarter, plus 75 basis points rounded up to the nearest tenth, not to exceed 2.5%. The interest rate will be set based upon the period ending March 31, 2019. The principal of this Note and accumulated interest due shall be payable to the registered owner only upon presentation of this Note at maturity. Both the principal of and interest on this Note are payable in lawful money of the United States of America at the Office of the Sonoma County Treasurer.

This Note, in the principal amount not to exceed \$2,520,000, represents the entire Note issue of the Series 2019-1 Note issue, and is issued under and pursuant to the laws of the State of California, including the provisions of Section 53850 and following, of the California Government Code (the "Law"), and pursuant to a resolution (the "Resolution") adopted by the Board of Supervisors of the County of Sonoma. Reference is hereby made to the Resolution for a specific description of the security therein provided for the payment of the principal of and interest on this Note, to all of the provisions of which the registered owner hereof by his acceptance of this Note hereby consents and agrees, and each subsequent registered owner of this Note has recourse to all of the provisions of the Resolution and the Law and is bound thereby.

The Board hereby covenants and warrants that it will pay promptly, when due, the principal of this Note and interest accruing hereon, all in accordance with the terms hereof and the terms and provisions set forth in the Resolution and the applicable Law.

It is hereby certified that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Note, together with all indebtedness and obligations of the County, does not exceed any limit prescribed by the Resolution or the laws of the State of California.

This Note is subject to call and redemption in whole or in part at any time prior to maturity without penalty or premium by the Department giving the registered owner thirty (30) days' prior written notice thereof.

IN WITNESS WHEREOF, the County of Sonoma has caused this Note to be signed in its name by the Chair of the Board of Supervisors and countersigned by the Clerk of the Board, and has caused this Note to be dated June 15, 2019.

ATTEST:

Chair, Board of Supervisors

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Clerk of the Board

7. Authority to Execute Note. The Chair of the Board of Supervisors is hereby authorized and directed to execute the Note, and the Clerk of the Board is hereby authorized and directed as such officer to countersign by use of her manual signature on the Note. If any officer whose signature or countersignature appears upon the Note ceases to be an officer of the Board before the delivery of the Note to the purchasers, his or her signature or countersignature shall nevertheless be valid and of the same force and effect as if he or she had remained such officer.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.