

HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

10400 Detrick Avenue
Kensington, Maryland 20895
(240) 627-9425

Minutes

January 8, 2020

20-01

The monthly meeting of the Housing Opportunities Commission of Montgomery County was conducted on Wednesday, January 8, 2020 at 10400 Detrick Avenue, Kensington, Maryland beginning at 4:04 p.m. Those in attendance were:

Present

Jackie Simon, Chair
Richard Y. Nelson, Jr., Vice Chair
Roy Priest, Chair Pro Tem
Linda Croom
Pamela Byrd
Frances Kelleher

Also Attending

Stacy L. Spann, Executive Director
Cornelia Kent
Charnita Jackson
Christina Autin
Millicent Anglin
Marcus Ervin
Gio Kaviladze
Eamon Lorincz
Ian Williams
Fred Swan
Lynn Hayes
Kathryn Hollister

Aisha Memon, Acting General Council
Kayrine Brown
Terri Fowler
Eugenia Pascual
Jay Berkowitz
Zachary Marks
Ian-Terrell Hawkins
Nargiza Polvanova
Patrick Mattingly
Jennifer Arrington
Bonnie Hodge
Rita Harris

Resident Advisory Board

Yvonne Caughman, Vice Chair

IT Support

Gabriel Taube
Michael Tadesse

Commission Support

Patrice Birdsong, Spec. Asst. to the Commission

Guest

Karen Lundregan
Macedonia Baptist Church/Bethesda African
Cemetery Coalition

I. **Information Exchange**

Resident Advisory Board (RAB)

- Yvonne Caughman, Vice Chair, updated on activities of the Resident Advisory Board. The RAB is interviewing new members.

Community Forum

- Karen Lundregan continues to address the Board with her allegations of discrimination and retaliation from staff.
- Macedonia Baptist Church/Moses African American Cemetery Group addressed the Board with individual comments on the Legislation Hearing.

- II. **Approval of Minutes** - The minutes were approved as submitted with a motion by Commissioner Byrd and seconded by Commissioner Croom. Affirmative votes were cast by Commissioners Simon, Nelson, Priest, Croom, Byrd, and Kelleher.

A. Approval of Minutes of December 11, 2019

B. Approval of Minutes of December 11, 2019 Administrative Session

III. **Consent Items**

A. None

IV. **Information Exchange Continued**

Report of the Executive Director

- Mr. Spann highlighted some of HOC's accomplishments: 2019 Holiday Giving continued – Over 350 residents received direct assistance from HOC; Santa Store opened on December 22, 2019; The Bethesda Fire Department donated toys and gifts to some of our families; The Fatherhood Initiative – 60 Fathers completed the program.

Commissioner Exchange

- Vice Chair Nelson congratulated Executive Director Stacy Spann on his appointment to the NAHRO Board of Governors.

V. **ADMINISTRATIVE AND SPECIAL SESSION RATIFICATION**

A. None

VI. **COMMITTEE REPORTS and RECOMMENDATIONS FOR ACTION**

A. Budget, Finance and Audit Committee – *Com. Nelson, Chair*

1. Acceptance of First Quarter FY'20 Budget to Actual Statement

Cornelia Kent, Chief Financial Officer, and Terri Fowler, Budget Officer, were the presenters.

The following resolution was adopted upon a motion by Vice Chair Nelson and seconded by Commissioner Kelleher. Affirmative votes were cast by Commissioners Simon, Nelson, Priest, Croom, Byrd, and Kelleher.

RESOLUTION NO.: 20-01

**Re: Acceptance of First Quarter FY'20
Budget to Actual Statements**

WHEREAS, the Budget Policy for the Housing Opportunities Commission of Montgomery County ("HOC" or "Commission") states that quarterly budget to actual statements will be reviewed by the Commission; and

WHEREAS, the Commission reviewed the First Quarter FY'20 Budget to Actual Statements during its January 8, 2020 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that it hereby accepts the First Quarter FY'20 Budget to Actual Statements.

2. Approval of FY'20 First Quarter Budget Amendment

Cornelia Kent, Chief Financial Officer, and Terri Fowler, Budget Officer, were the presenters.

The following resolution was adopted upon a motion by Vice Chair Nelson and seconded by Chair Pro Tem Priest. Affirmative votes were cast by Commissioners Simon, Nelson, Priest, Croom, Byrd, and Kelleher.

RESOLUTION NO.: 20-02

**Re: Approval of FY'20 First Quarter
Budget Amendment**

WHEREAS, the Housing Opportunities Commission of Montgomery County (the "Commission") adopted a budget for FY'20 on June 5, 2019;

WHEREAS, the Commission's Budget Policy allows for amendments to the budget;

WHEREAS, the net effect of the FY'20 First Quarter Budget Amendment is a balanced budget;

WHEREAS, the total FY'20 Operating Budget increased from \$276,161,036 to \$276,361,036;

WHEREAS, the total FY'20 Capital Budget increased from \$154,279,276 to \$155,206,111;

and

WHEREAS, approval of the budget amendments to revise the FY'20 budget will reflect an accurate plan for the use of the Commission's resources for the remainder of FY'20.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that it hereby amends the FY'20 Operating Budget by increasing total revenues and expenses for the Commission from \$276,161,036 to \$276,361,036.

BE IT ALSO RESOLVED that the Housing Opportunities Commission of Montgomery County hereby amends the FY'20 Capital Budget by increasing revenues and expenses for the Commission from \$154,279,276 million to \$155,206,111.

3. Authorization to Write-off Bad Debt Related to Tenant Accounts Receivable

Cornelia Kent, Chief Financial Officer, and Eugenia Pascual, Controller, were the presenters.

The following resolution was adopted upon a motion by Vice Chair Nelson and seconded by Commissioner Kelleher. Affirmative votes were cast by Commissioners Simon, Nelson, Priest, Croom, Byrd, and Kelleher.

RESOLUTION NO.: 20-03

**RE: Authorization to Write off Bad Debt
Related to Tenant Accounts
Receivable**

WHEREAS, the current policy of the Housing Opportunities Commission of Montgomery County ("HOC") is (i) to provide for an allowance for tenant accounts receivable balances that are delinquent for more than ninety (90) days; and (ii) to propose the write-off of former tenant balances; and

WHEREAS, staff periodically proposes the write-off of uncollected former tenant balances which updates the financial records to accurately reflect the receivables and the potential for collection; and

WHEREAS, the proposed write-off of former tenant accounts receivable balances for the period July 1, 2019 – September 30, 2019 is \$45,338, consisting of \$26,413 from Opportunity Housing properties, \$12,494 from RAD properties, \$4,108 from Rental Assistance Sec8 Repays, and \$2,323 from Supportive Housing program.

NOW, THEREFORE, BE IT RESOLVED that the Housing Opportunities Commission of Montgomery County authorizes and directs the Executive Director, or his designee, without further action on its part, to take any and all actions necessary and proper to write off \$45,338 in bad debt related to (i) tenant accounts receivable balances that are delinquent for more than ninety (90) days, and (ii) former tenant balances, including the execution of any and all documents related thereto.

4. Shady Grove Apartments Limited Partnership: Approval to Renew the Property Management Contract

Charnita Jackson, Director of Property Management, and Jay Berkowerts, Asset Manager, were the presenters.

The following resolution was adopted upon a motion by Chair Pro Tem Priest and seconded by Commissioner Kelleher. Affirmative votes were cast by Commissioners Simon, Nelson, Priest, Croom, Byrd, and Kelleher.

RESOLUTION NO.: 20-04

**RE: Shady Grove Apartments Limited Partnership:
Approval to Renew Property Management
Contract**

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC”) is the general partner of Shady Grove Apartments Limited Partnership (“Shady Grove LP”), and Shady Grove LP owns the development known as Shady Grove Apartments located in Gaithersburg, Maryland (“Shady Grove”); and

WHEREAS, staff desires to renew the current property management contract at Shady Grove for one (1) year with Edgewood/Vantage Management.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County, acting for itself and on behalf of Shady Grove Apartments Limited Partnership, as its general partner, that the Executive Director is hereby authorized and directed to execute a one (1) year renewal of the property management contract at Shady Grove.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director, or his designee, is hereby authorized and directed, without any further action on its part, to take any and all other actions necessary and proper to carry out the transactions contemplated herein, including the execution of any documents related thereto.

5. Pooks Hill Court: Approval to Renew Property Management Contract through December 22, 2020

Charnita Jackson, Director of Property Management, and Millicent Anglin, Asset Manager, were the presenters.

The following resolution was adopted upon a motion by Vice Chair Nelson and seconded by Chair Pro Tem Priest. Affirmative votes were cast by Commissioners Simon, Nelson, Priest, Croom, Byrd, and Kelleher.

RESOLUTION NO.: 20-05

RE: Pooks Hill Court: Approval to Renew the Property Management Contract Through December 22, 2020

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC”) owns the development known as Pooks Hill Court located in Bethesda, Maryland; and

WHEREAS, staff desires to renew the current property management contract at Pooks Hill Court with Vantage Management through December 22, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director is hereby authorized and directed to execute a renewal of the property management contract at Pooks Hill Court with Vantage Management through December 22, 2020.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director, or his designee, is hereby authorized and directed, without any further action on its part, to take any and all other actions necessary and proper to carry out the transactions contemplated herein, including the execution of any documents related thereto.

B. Development and Finance Committee – Com. Simon, Chair

1. Bond Counsel Contracts: Renewal with Kutak Rock LLP and Ballard Spahr LLP in Accordance with the Current Contract and Approval to select Kutak Rock LLP as sole bond counsel for the General Trust Indenture

Kayrine Brown, Chief Investment and Real Estate Officer, was the presenter.

The following resolution was adopted upon a motion by Chair Pro Tem Priest and seconded by Vice Chair Nelson. Affirmative votes were cast by Commissioners Simon, Nelson, Priest, Croom, Byrd, and Kelleher.

RESOLUTION NO.: 20-06

Re: Bond Counsel Contracts: Renewal with Kutak Rock LLP and Ballard Spahr LLP in Accordance with the Current Contracts and Approval to select Kutak Rock LLP as sole bond counsel for the General Trust Indenture

WHEREAS, the Housing Opportunities Commission of Montgomery County (the “Commission”) is a public body corporate and politic duly organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, known as the Housing Authorities Law, and, as further provided in that certain Memorandum of Understanding by and between the Commission and Montgomery County, Maryland the Commission is authorized to issue its notes and bonds from time to time to fulfill its corporate purposes; and

WHEREAS, the ability to issue notes and bonds to the capital markets is subject to the issuance of an opinion from nationally recognized bond counsel concerning (1) the validity of the bonds, and (2) the excludability of interest on the bonds from gross income for federal income tax purposes, without which the bonds are not normally marketable; and

WHEREAS, on April 5, 2017, the Commission appointed Kutak Rock LLP (“Kutak”) and Ballard Spahr LLP (“Ballard”) as bond counsel for its financing programs for a three-year term, with the two optional one year renewals that must be approved by the Commission; and

WHEREAS, the Commission is satisfied with the services that are provided by bond counsel and wishes to renew the contracts for one year in accordance with provisions of the existing contracts; and

WHEREAS, the Commission, with the help of Kutak Rock LLP, created a new General Trust Indenture in 2019, which is a multiple program indenture that authorizes the Commission to issue taxable or tax-exempt bonds to finance or reimburse the related Commission’s capital expenditures across programs, and staff recommends that Kutak be named sole counsel for such indenture.

NOW, THEREFORE BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that it approves the renewal of the existing contracts with Kutak and Ballard as its bond counsel for one year, including the fees schedules submitted with the initial proposal that provide for a 3% annual increase for Ballard after the first three years.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it approves the selection of Kutak as its sole bond counsel for the newly created General Trust Indenture with compensation that is consistent with the existing engagements.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it approves the maximum aggregate contract amount of \$600,000 annually.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director, or his designee, is authorized, without any further action on its part, to take any and all other actions necessary and proper to carry out the transactions and actions contemplated herein, including the execution of any documents related thereto.

2. Stewartown Homes: Authorization to Select General Contractor for the Renovation of Stewartown Homes in Accordance with RFQ #2121 and RFP #2121-01; Approval to Freeze Leasing to Facilitate Renovation; and Approval of Request for Additional Predevelopment Funds

Marcus Ervin, Housing Acquisitions Manager, and Gio Kaviladze, Senior Financial Analyst, were the presenters.

The following resolution was adopted upon a motion by Commissioner Croom and seconded by Chair Pro Tem Priest. Affirmative votes were cast by Commissioners Simon, Nelson, Priest, Croom, Byrd, and Kelleher.

RESOLUTION NO.: 20-07

RE: Stewartown Homes: Authorization to Select General Contractor for the Renovation of Stewartown Homes in Accordance with RFQ #2121 and RFP #2121-01; Approval to Freeze Leasing to Facilitate Renovation; and Approval of Request for Additional Predevelopment Funds

WHEREAS, the Housing Opportunities Commission of Montgomery County (“HOC” or the “Commission”) seeks to preserve Montgomery County’s existing affordable housing, including that subsidized by Rental Assistance Payment (“RAP”) contracts and Section 236 financing facing growing sustainability challenges; and

WHEREAS, Stewartown Homes (the “Property”), located at 9310 Merust Lane, Gaithersburg, was built in 1977 under the Section 236 Program and consists of 94 townhome units, 19 of which were subsidized by a RAP contract, in twelve (12) buildings on three (3) parcels totaling 15 acres of land; and

WHEREAS, the Property, with the exception of ongoing capital improvements, has not had major renovations within the last twenty years; and

WHEREAS, the Commission approved a predevelopment plan at the May 2, 2018 Commission meeting to comprehensively renovate the Property in order to maximize its life, public purpose, and financial contribution to HOC; and

WHEREAS, in August 2018, HOC started Phase 1 of the General Contractor (“GC”) evaluation and selection process for the upcoming renovation by issuing a Request for Qualifications (“RFQ”) to solicit qualifications statements from all interested GCs and to pre-qualify contractors for Phase 2 of the selection process; and

WHEREAS, in September 2019, HOC started Phase 2 of the GC selection process by issuing an RFP to those GCs qualified via the RFQ for the selection of general contractor to renovate the Property; and

WHEREAS, Harkins Builders (“Harkins”) submitted the most advantageous proposal in response to the RFQ and RFP and staff recommends the selection of Harkins as general contractor for the renovation of the Property; and

WHEREAS, staff will present to the Commission (1) a Final Development Plan after the construction costs and budget are finalized, and (2) a Financing Plan after potential capital providers, amounts, and terms are assessed, and such plans will identify the sources of funds to finance all expected predevelopment and development costs; and

WHEREAS, in March 2017 and May 2018, the Commission approved an aggregate amount of \$350,000 in funding from the Opportunity Housing Reserve Fund (“OHRF”) for predevelopment activities for the renovation of the Property; and

WHEREAS, costs related to the conversion of the expiring RAP contract subsidizing 19 units at the Property to Project Based Section 8 assistance and other predevelopment expenses incurred to date have exhausted the predevelopment funding previously authorized by the Commission; and

WHEREAS, in preparation for the upcoming tax credit re-syndication, bond financing, and renovation, staff projects an additional \$350,000 in funding will be needed to cover predevelopment expenses through closing; and

WHEREAS, the upcoming renovation will take place in phases, with each phase lasting approximately two months and comprising up to 16 units, and the Property will need to make this number of units available for renovation through either vacancy or temporary resident relocations off-site; and

WHEREAS, to minimize the number of residents that will be impacted by temporary relocations off-site during the construction, staff requests the Commission’s authorization to freeze leasing at the property immediately and hold any upcoming vacancies, up to 16 vacant units required for each phase of renovation, for the duration of the renovation.

NOW, THEREFORE, BE IT RESOLVED by the Housing Opportunities Commission of Montgomery County that Harkins is selected as the General Contractor for renovation of the Property, and the Executive Director is authorized to negotiate contract terms with Harkins for the renovations contemplated under RFQ #2121 and RFP #2121-01 for the Property.

BE IT FURTHER RESOLVED that the Housing Opportunities Commission of Montgomery County approves an additional \$350,000 in predevelopment funding from the OHRF for design and due diligence related to the renovation of the Project, bringing the total authorized funding to \$700,000, to be repaid to the OHRF by the construction financing for the renovation of the Property.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that it hereby authorizes HOC staff and the Property's management to freeze leasing any vacant units beginning immediately and to hold any upcoming vacancies, up to 16 vacant units, for the duration of the renovation.

BE IT FURTHER RESOLVED by the Housing Opportunities Commission of Montgomery County that the Executive Director, or his designee, is authorized and directed, without further action on the part of the Commission, to take any and all other actions necessary and proper to carry out the transaction contemplated herein including, without limitation, the negotiation and execution of related documents.

VII. ITEMS REQUIRING DELIBERATION and/or ACTION

1. Elizabeth House III: Approval to Convert and Transfer Public Housing Subsidy from Elizabeth House to Elizabeth House III, and Execute HUD Agreements and Other Documents in Connection Therewith

Zachary Marks, Director of Development, and Eamon Lorincz, Deputy General Counsel, were presenters

The following resolution was adopted upon a motion by Vice Chair Nelson and seconded by Commissioner Kelleher. Affirmative votes were cast by Commissioners Simon, Nelson, Priest, Croom, Byrd, and Kelleher.

RESOLUTION NO.: 20-08

RE: Elizabeth House III: Approval to Convert and Transfer Public Housing Subsidy from Elizabeth House to Elizabeth House III, and Execute HUD Agreements and Other Documents in Connection Therewith

WHEREAS, the Housing Opportunities Commission of Montgomery County ("Commission" or "HOC"), a public body corporate and politic duly organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, known as the Housing Authorities Law, is authorized thereby to effectuate the purpose of providing affordable housing, including providing financing for the construction of rental housing properties which provide a public purpose.

WHEREAS, the Commission desires to convert the Public Housing subsidy provided to one hundred and six (106) Public Housing units located at the multifamily housing community commonly known as Elizabeth House (the "Converting Units") as follows: (a) eighty (80) units to a form of project-based assistance under Section 8 of the United States Housing Act of 1937, as amended, pursuant to the United States Department of Housing and Urban Development's ("HUD") Rental Assistance Demonstration ("RAD") Program (the "RAD Units") and (b) twenty-six (26) units to Tenant Protection Vouchers pursuant to demolition and disposition application made pursuant to Section 18 of the U.S. Housing Act of 1937 (the "Tenant Protection Vouchers"), which Tenant Protection Vouchers are expected to be processed simultaneously with the RAD Units (collectively, the "RAD Conversion");

WHEREAS, in connection with the RAD Conversion, the Commission desires to transfer such assistance (the "RAD Transfer") to a project to be constructed in Silver Spring, Maryland and to be commonly known as Elizabeth House III located at 1315 Apple Avenue in Silver Spring, Maryland (the "Project").

WHEREAS, in connection with the RAD Conversion and the RAD Transfer, the Commission and Elizabeth House III Limited Partnership, a Maryland limited partnership (the "Partnership"), which is the owner of the Project and is a tax credit partnership ultimately controlled by the Commission, as the sole member of its general partner, desire to enter into various agreements, including without limitation, an Amendment to the RAD Conversion Commitment, Master Lease Agreement for RAD Temporary Housing in Place (Elizabeth House III), Certification and Assurances, and Consolidated Owner Certification – Rental Assistance Demonstration, RAD Use Agreement, RAD Subordination Agreement(s), Housing Assistance Payment (HAP) Contract and such other documents as may be required by the RAD Conversion Commitment (collectively, the "HUD Agreements").

WHEREAS, the Commissioners have determined it to be in the best business and interest of the Commission and the Partnership to complete the RAD Conversion and RAD Transfer and to enter into the HUD Agreements.

NOW, THEREFORE, BE IT RESOLVED, by the Housing Opportunities Commission of Montgomery County, for itself and, with respect to the Partnership, additionally in its capacity as the sole member of the general partner of the Partnership, that (A) the Commission and the Partnership, as applicable, are hereby authorized to perform their respective obligations under the HUD Agreements and (B) the Executive Director is authorized to execute and deliver (i) the HUD Agreements, (ii) any and all documents deemed necessary and appropriate to obtain HUD approval (the "HUD Approval") for the RAD Conversion and RAD Transfer and (iii) any other documents reasonably required to be executed by the Commission or the Partnership to carry out the transactions contemplated by the HUD Agreements.

BE IT FURTHER RESOLVED, that the Commission hereby authorizes the Executive Director, without any further action on its part, to take any and all other actions necessary and proper to carry out the transaction and actions contemplated herein, including without limitation, finalizing the submission to HUD of all documents required by HUD to obtain the HUD Approval and, upon receipt of such HUD Approval, completing the RAD Conversion and RAD Transfer.

BE IT FURTHER RESOLVED, by the Commission that all actions of the Commission, the Partnership and their respective officers prior to the date hereof and consistent with the terms of this resolution are ratified and confirmed, including, but not limited to, the initial submission of the RAD closing package and the execution of the RAD Conversion Commitment.

2. West Side at Shady Grove: Approval of a Resolution Declaring the Official Intent of the Housing Opportunities Commission of Montgomery County to Reimburse itself with the Proceeds of a Future Tax-Exempt Borrowing for Certain Capital Expenditures to be Undertaken in Connection with the Acquisition and Development of the Property

Kayrine Brown, Chief Investment and Real Estate Officer, and Marcus Ervin, Housing Acquisitions Manager, were presenters

RESOLUTION NO.: 20-09

Re: West Side at Shady Grove: Approval of a Resolution Declaring the Official Intent of the Housing Opportunities Commission of Montgomery County to Reimburse itself with the Proceeds of a Future Tax-Exempt Borrowing for Certain Capital Expenditures to be Undertaken in Connection with the Acquisition and Development of the Property

WHEREAS, the Housing Opportunities Commission of Montgomery County (the “Commission”), a public body corporate and politic duly organized under Division II of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, known as the Housing Authorities Law, and authorized thereby to effectuate the purpose of providing affordable housing, including providing for the acquisition, construction, rehabilitation and/or permanent financing or refinancing (or a plan of financing) of the multifamily rental housing properties which provide a public purpose; and

WHEREAS, the Commission has determined that it is in the best interest of the Commission to make certain capital expenditures on the projects named in this Resolution; and

WHEREAS, the Commission currently intends and reasonably expects to participate in tax-exempt borrowings to finance such capital expenditures in an amount not to exceed \$100,000,000, *all or a portion of which may reimburse* the Commission for the portion of such capital expenditures incurred or to be incurred subsequent to the date which is 60 days prior to the date hereof but before such borrowing, and the proceeds of such tax-exempt borrowing will be allocated to reimburse the Commission’s expenditures within 18 months of the later of the date of such capital expenditures or the date that the Projects (as hereinafter defined) is placed in service (but in no event more than 3 years after the date of the original expenditure of such moneys); and

WHEREAS, the Commission hereby desires to declare its official intent, pursuant to Treasury Regulation §1.150-2, to reimburse the Commission for such capital expenditures with the proceeds of the Commission’s future tax-exempt borrowing for such projects named in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION THAT:

Section 1. *Declaration of Official Intent.* The Commission presently intends and reasonably expects to finance costs related to the acquisition, predevelopment, development, and equipping of the property known as West Side at Shade Grove Multi-Family Parcel D (the “Project”), generally located in Gaithersburg area of Montgomery County, with moneys currently contained in its Opportunity Housing Reserve Fund, and General Fund Property Reserve Account, County Revolving Fund accounts, and any other funds of the Commission so designated for use by the Commission.

Section 2. *Dates of Capital Expenditures.* All of the capital expenditures covered by this Resolution which may be reimbursed with proceeds of tax-exempt borrowings will be incurred not earlier than 60 days prior to the date of this Resolution except preliminary expenditures as defined in Treasury Regulation Section 1.150-2(f)(2) (e.g. architect’s fees, engineering fees, costs of soil testing and surveying).

Section 3. *Issuance of Bonds or Notes.* The Commission presently intends and reasonably expects to participate in tax-exempt borrowings of which proceeds in an amount not to exceed \$100,000,000 will be applied to reimburse the Commission for its expenditures in connection with the Project.

Section 4. *Confirmation of Prior Acts.* All prior acts and doings of the officials, agents and employees of the Commission which are in conformity with the purpose and intent of this Resolution, and in furtherance of the Project, shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 5. *Repeal of Inconsistent Resolutions.* All other resolutions of the Commission, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 6. *Effective Date of Resolution.* This Resolution shall take effect immediately upon its passage.

VIII. **FUTURE ACTION ITEMS**

None

Based upon this report and there being no further business to come before this session of the Commission, the open session adjourned at 5:40 p.m.

Respectfully submitted,

Stacy L. Spann
Secretary-Treasurer

/pmb

Approved: February 5, 2020