

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE CITY CLERK
OAKLAND CITY ATTORNEY

OAKLAND CITY COUNCIL

2003 MAY -1 PM 1:38

RESOLUTION NO. 77825 C. M. S.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLAND APPROVING THE FORM OF A STANDBY PURCHASE AGREEMENT SUPPORTING PAYMENT OF OAKLAND JOINT POWERS FINANCING AUTHORITY LEASE REVENUE BONDS, 1998 SERIES A; AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; APPROVING THE RETENTION OF BOND COUNSEL AND OTHER AGENTS; AND AUTHORIZING SIMILAR AGREEMENTS TO MAINTAIN AN ARRANGEMENT TO PROVIDE SUPPORT FOR THE PAYMENT OF THE BONDS UPON OPTIONAL OR MANDATORY TENDER AT ALL TIMES WHILE SUCH BONDS BEAR INTEREST AT A VARIABLE INTEREST RATE

WHEREAS, the City of Oakland (the "City") and the Redevelopment Agency of the City of Oakland (the "Agency") have heretofore executed a Joint Exercise of Powers Agreement, dated as of February 1, 1993 (the "Joint Powers Agreement"), by and between the City and the Agency, which Joint Powers Agreement creates and establishes the Oakland Joint Powers Financing Authority (the "Authority"); and

WHEREAS, pursuant to Article 4 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Marks-Roos Local Bond Pooling Act of 1985") and the Joint Powers Agreement, the Authority has previously issued \$187,500,000 aggregate principal amount of Oakland Joint Powers Financing Authority Lease Revenue Bonds, 1998 Series A (the "Bonds"); and

WHEREAS, at the time of issuance of the Bonds, the City, the Authority and Commerzbank Aktiengesellschaft, acting through its Los Angeles Branch, entered into a Standby Bond Purchase Agreement dated as of July 16, 1998 (the "Original Standby Bond Purchase Agreement") to provide support for the payment of the Bonds upon optional or mandatory tender in accordance with their terms; and

WHEREAS, the Original Standby Bond Purchase Agreement expires on July 16, 2003, subject to extension or earlier termination as provided therein; and

WHEREAS, in order to maintain a rating on the Bonds, the City and the Authority are required to maintain an arrangement to provide support for the payment of the Bonds upon optional or mandatory tender at all times while the Bonds bear interest at a variable interest rate; and

WHEREAS, the City desires to enter into a Standby Purchase Agreement (the "Standby Purchase Agreement") with Dexia Credit Local, New York Agency (the "Bank") for the purpose of providing support for the payment of the Bonds upon optional or mandatory tender; and

WHEREAS, there has been presented to this meeting a proposed form of Standby Purchase Agreement;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Oakland, as follows:

Section 1. The proposed form of Standby Purchase Agreement among Dexia Credit Local, New York Agency, the Authority and the City, on file with the City Clerk and incorporated into this Resolution by reference, is hereby approved. Each of the Mayor, Vice Mayor, City Manager and the Director of the Financial Services Agency of the City or a designee of any such official is hereby authorized and directed, jointly and severally, for and in the name and on behalf of the City, to execute and deliver an agreement in substantially said form, with such changes therein as such officer or his or her designee may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. Each of the Mayor, Vice Mayor, City Manager and the Director of the Financial Services Agency and other appropriate 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 maintain an arrangement providing support for the payment of the Bonds upon optional or mandatory tender while the Bonds bear interest at a variable interest rate (if determined by such officer of the City to be in the economic interest of the City), and to execute and deliver any documents relating thereto as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. The City hereby engages Lofton & Jennings, as special counsel, and Public Financial Management, as financial advisor.

Section 4. This Resolution shall take effect immediately upon its passage.

In Council, Oakland, California, MAY 20 2003, 2003

PASSED BY THE FOLLOWING VOTE:


AYES- BROOKS, BRUNNER, CHANG, NADEL, ~~QUAN~~, REID, WAN AND

~~PRESIDENT DE LA FUENTE~~ - 6

NOES- De La Fuente - 1

Excused - 1
ABSENT- QUAN - 1

ABSTENTION-

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council of
the City of Oakland, California