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OAKLAND

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Approved as to Form and Legality


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY TO APPLY FOR, ACCEPT AND APPROPRIATE LOAN AND GRANT FUNDS UNDER THE STATE OF CALIFORNIA'S AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM FOR THE MANDELA STATION PROJECT AT WEST OAKLAND BART STATION, IN AN AMOUNT NOT TO EXCEED \$19,000,000 UNDER THE 2017-2018 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM, AND AUTHORIZE AGREEMENTS WITH BART AND AC TRANSIT FOR TRANSPORTATION-RELATED IMPROVEMENTS

WHEREAS, the State of California, the Strategic Growth Council (SGC) and the California Department of Housing and Community Development (Department) have issued a Notice of Funding Availability dated November 1, 2018 (NOFA), under the Affordable Housing and Sustainable Communities (AHSC) Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200; and

WHEREAS, there will be five applications submitted for projects in the City of Oakland; and

WHEREAS, a resolution is required for each application for which the City of Oakland is a joint applicant; and

WHEREAS, Mandela Station LLC (Mandela), as a joint applicant with the City, desires to apply for AHSC Program funds and submit the Application Package released by the Department for the AHSC Program; and

WHEREAS, the City of Oakland, as a joint applicant with Mandela, desires to apply for AHSC Program funds and to submit the Application Package released by the Department for the AHSC Program for the Project (as defined below); and

WHEREAS, the SGC is authorized to approve funding allocations for the AHSC Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement; and

WHEREAS, the Department is authorized to administer the approved funding allocations of the AHSC Program; and

WHEREAS, there is substantial need for additional funds for the development of affordable housing in the City of Oakland; and

WHEREAS, the project known as Mandela Station located at West Oakland BART Station (the Project) is being supported by the City to apply for an award of AHSC program funds; and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or his or her designee to apply for, receive and accept such AHSC Program Funds on behalf of the City, and to negotiate, execute, enter into and deliver such agreements and instruments with the Department related to or in connection with such AHSC Program Funds without returning to the City Council, including agreements with San Francisco Bay Area Rapid Transit District ("BART") and the Alameda-Contra Costa Transit District ("AC Transit") for transportation-related improvements; now, therefore, be it

RESOLVED: That the City is hereby authorized and directed to incur an obligation for the AHSC Loan, and that in connection with the AHSC Loan, the City is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement in an amount not to exceed \$12,000,000 and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of this Resolution or as may be required by the Department in connection with the AHSC Loan, and all amendments thereto (collectively, the "AHSC Loan Documents"); and be it

FURTHER RESOLVED: That the City is hereby authorized and directed to incur an obligation for the AHSC Grant, and that in connection with the AHSC Grant, the City is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement in an amount not to exceed \$7,000,000 and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of this Resolution, in order to evidence the AHSC Grant, the City's obligations related thereto, and the Department's security therefor, including, but not limited to, a disbursement agreement, a covenant and certain other documents required by the Department as security for, evidence of, or pertaining to the AHSC Grant, and all amendments thereto (collectively, the "AHSC Grant Documents", and, together with the AHSC Loan Documents, collectively, the "AHSC Documents"); and be it

FURTHER RESOLVED: That said agreements shall be reviewed and approved by the City Attorney's Office for form and legality prior to their execution by the City, and copies will be placed on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland is authorized to accept the California Strategic Growth Council Affordable Housing and Sustainable Communities Program funds, and appropriate said funds in an amount not to exceed \$19,000,000 to the Project; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to take any other action with respect to the AHSC Loan, the AHSC Grant, or the Project consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BAS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, TAYLOR, THAO .

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council of
the City of Oakland, California