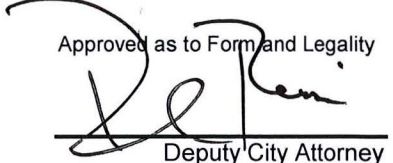


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2016 MAR 10 PM 6:03

Approved as to Form and Legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 86094 C.M.S.

RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN AN AMOUNT NOT TO EXCEED \$160 MILLION UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM, AND AUTHORIZING THE CITY ADMINISTRATOR TO ALLOCATE SUCH FUNDS TO ELIGIBLE PROJECTS WITHOUT RETURNING TO THE CITY COUNCIL

WHEREAS, the State of California, the Strategic Growth Council (“SGC”) and the California Department of Housing and Community Development (“HCD”) have issued a Notice of Funding Availability (“NOFA”) dated October 30, 2015, under the Affordable Housing and Sustainable Communities (“AHSC”) Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200 (the “statute”); and

WHEREAS, pursuant to the statute and pursuant to direction of the SGC, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the AHSC Program, subject to the terms and conditions of the statute and the Affordable Housing and Sustainable Communities Guidelines to be adopted by SGC in December 2015; and

WHEREAS, the City of Oakland desires to apply for AHSC Program funds and submit the Application Package released by HCD for the AHSC Program; and

WHEREAS, 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, HCD 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, on September 1, 2015, the City issued a Notice of Funding Availability soliciting applications for funding for affordable housing developments; and

WHEREAS, funding applications for five affordable housing developments were received in response to the City's Notice of Funding Availability but only a few can be funded and are therefore being supported by the City to apply for AHSC; and

WHEREAS, two affordable housing developments were vetted by the City's Project Implementation staff and are therefore being supported by the City to apply for AHSC; and

WHEREAS, one affordable housing development was vetted by a trustee for the bankruptcy court and the City was a creditor to the owner of the property and is therefore being supported by the City to apply for AHSC; and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or his or her designee to allocate funds to projects that meet the criteria for the AHSC Program and to negotiate and enter into an agreement or agreements, including those that agree to joint and several liability and mutual indemnities with the selected developers, without returning to Council; now, therefore, be it

RESOLVED: That the City Administrator, or his or her designee, is hereby authorized to apply for and submit to HCD and/or SGC the AHSC Program Application as detailed in the NOFA dated October 30, 2015, for the 2015-16 Fiscal Year in an amount not to exceed \$160 million; and be it

FURTHER RESOLVED: That if the application is approved, the City Administrator or his or her designee is authorized to act on behalf of the City of Oakland, and is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement ("Standard Agreement") in an amount up to \$160 million and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds from HCD and/or SGC, and all amendments thereto (collectively, the "AHSC Documents"); and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and enter into an agreement that provides for joint and several liability and mutual indemnities between joint applicants as the City Administrator deems necessary; and be it

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

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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, if awarded, deposit said funds in the Affordable Housing Trust fund (Fund 1870), Housing Development Organization (89929), Project (TBD), appropriate said funds in an amount not to exceed \$160 million, and allocate funds to projects that meet the program criteria without returning to City Council; and be it

FURTHER RESOLVED: That the City of Oakland shall be subject to the terms and conditions as specified in the Standard Agreement; that funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement; that the application in full is incorporated as part of the Standard Agreement; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement; and that the City of Oakland agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by HCD and in accordance with the NOFA and Program Guidelines and Application Package; and be it

FURTHER RESOLVED: The City Council hereby appoints the City Administrator or his or her designee to execute in the name of City of Oakland the AHSC Program Application Package and the AHSC Program Documents as required by HCD for participation in the AHSC Program, and to take whatever over action is necessary with respect to the AHSC Program consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 05 2016

PASSED BY THE FOLLOWING VOTE:

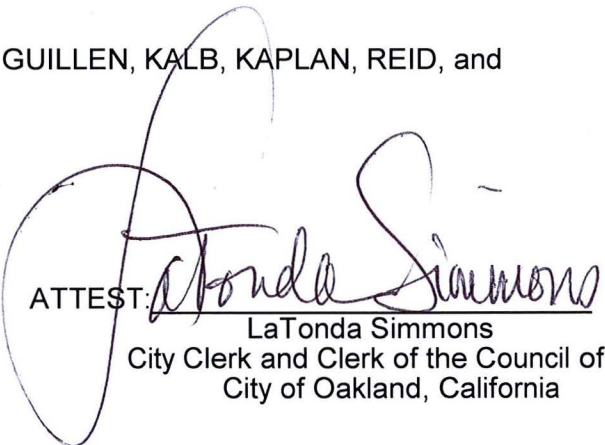
AYES - ~~BROOKS~~, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

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