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OAKLAND

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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY OF OAKLAND, A CALIFORNIA MUNICIPAL CORPORATION, TO APPLY FOR, ACCEPT AND APPROPRIATE FUNDS UNDER THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S INFILL INFRASTRUCTURE GRANT PROGRAM IN CONNECTION WITH THE FOON LOK EAST PROJECT AT 389 9TH AVENUE, IN AN AMOUNT NOT TO EXCEED \$7,000,000

WHEREAS, the State of California Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) for the Infill Infrastructure Grant Program (IIG Program), established under Assembly Bill 101 (Chapter 159, Statutes of 2019) and Part 12.5 (commencing with section 53559) of Division 31 of the Health and Safety Code, which authorizes the Department to approve funding allocations utilizing monies made available by the State Legislature, subject to the terms and conditions of the statute and the IIG Guidelines implemented October 30, 2019; and

WHEREAS, there will be ten (10) 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, the City of Oakland, as a joint applicant with MidPen Housing Corporation, desires to apply for and receive an allocation of funds through the IIG Program and to submit the Application Package released by the Department for the IIG Program for the Project (as defined below); 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 Foon Lok East located at 389 9th Avenue in the City of Oakland (Project) was reviewed by the City's Housing and Community Development staff and is being supported by the City to apply for an award of IIG 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 IIG 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 IIG Program funds without returning to the City Council; now, therefore, be it

RESOLVED: That the City of Oakland pursuant to the above-described NOFA wishes to apply for and receive an allocation of funds for the Project in an amount not to exceed \$7,000,000 (IIG Grant); and be it

FURTHER RESOLVED: That the City is hereby authorized and directed to incur an obligation for the IIG Grant, and that in connection with the IIG 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 by the Department to carry into effect the full intent and purpose of this Resolution in order to evidence the IIG Grant, the City of Oakland's obligations related thereto, and the Department's security therefor; including, but not limited to, an affordable housing covenant, a performance deed of trust, a disbursement agreement, and certain other documents required by the Department as security for, evidence of or pertaining to the IIG Grant, and all amendments thereto (collectively, IIG Grant 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 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, if awarded, the IIG Program funds shall be appropriated and deposited in the State of California Fund (2159), Housing Development Organization (89929), Project (TBD), State Grant Miscellaneous Account (46229); and be it

FURTHER RESOLVED: That the City 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 or other relevant portions 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 hereby agrees to use the funds for eligible capital assets in the manner presented in the application as approved by the Department and in accordance with the NOFA and applicable IIG Program Guidelines; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Administrator or his or her designee, as agent of the City, to conduct negotiations, execute and deliver all documents (including, without limitation, all IIG Documents) and any modifications thereto, accept the IIG Program funds, and take any and all other action with respect to the IIG Program as required by the Department for participation in the IIG Program; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California