


CITY ATTORNEY'S OFFICE

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 2020-2021 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM FOR THE LAKE MERRITT BART SENIOR AFFORDABLE HOUSING PROJECT, LOCATED AT 51 9TH STREET IN AN AMOUNT NOT TO EXCEED \$30,000,000.

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 February 26, 2021 ("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 two 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, East Bay Asian Local Development Corporation ("EBALDC"), 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 EBALDC, 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 Lake Merritt BART Senior Affordable Housing, located at 51 9th Street, Oakland, CA (the Project), is being supported by the City to apply for an award of AHSC program funds in an amount not to exceed \$30,000,000; and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or 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; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator or designee to apply for, receive and accept AHSC Program Funds in an amount not to exceed \$30,000,000 on behalf of the City; and be it

FURTHER 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 Administrator or designee is hereby authorized and directed on behalf of the City to enter into, execute, and deliver a State of California Standard Agreement in an amount not to exceed \$20,000,000 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 Administrator or designee is hereby authorized and directed on behalf of the City to enter into, execute, and deliver a State of California Standard Agreement in an amount not to exceed \$10,000,000 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 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 the City Administrator or 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 \$30,000,000 to the Project; and be it

FURTHER RESOLVED: That, if awarded, the housing portions of said AHSC Loan funds in an amount not to exceed \$20,000,000 shall be deposited in the State of California Fund (2159), Housing Development Organization (89929), Project (TBD), and transportation portions of said AHSC Grant funds in an amount not to exceed \$10,000,000 shall be deposited in the State of California Fund (2159), Complete Streets Design Organization (35212), Project (TBD); and be it

FURTHER RESOLVED: That the City shall be subject to the terms and conditions as specified in the Standard Agreements; 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 Agreements; that the application in full is incorporated as part of the Standard Agreements; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreements; 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 AHSC Program Guidelines; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or designee, as agent of the City, to conduct negotiations, execute and deliver all documents (including, without limitation, all AHSC Documents), accept AHSC Program Funds, and take any and all other action with respect to the AHSC Program, the AHSC Loan and AHSC Grant as required by the Department for participation in the AHSC Program; and be it

FURTHER RESOLVED: That the City Administrator or 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 - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk of the Council of the City of
Oakland, California